

California State Archives
State Government Oral History Program

Oral History Interview

with

LARRY MARGOLIS

Chief Assistant to the Speaker of the California Assembly, 1961–1965

February 20–24 March 1–10–22 April 5–12–27 May 23, 1989

Sacramento, California

By Carole Hicke
Regional Oral History Office
University of California, Berkeley

LEGISLATIVE AND POLITICAL REFORM IN CALIFORNIA

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None

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PREFACE

On September 25 1985 Governor George Deukmejian signed into law A B 2104 (Chapter 965 of the Statutes of 1985) This legislation established under the administration of the California State Archives a State Government Oral History Program to provide through the use of oral history a continuing documentation of state policy development as reflected in California's legislative and executive history

The following interview is one of a series of oral histories undertaken for inclusion in the state program These interviews offer insights into the actual workings of both the legislative and executive processes and policy mechanisms They also offer an increased understanding of the men and women who create legislation and implement state policy Further they provide an overview of issue development in California state government and of how both the legislative and executive branches of government deal with issues and problems facing the state

Interviewees are chosen primarily on the basis of their contributions to and influence on the policy process of the state of California They include members of the legislative and executive branches of the state government as well as legislative staff advocates members of the media, and other people who played significant roles in specific issue areas of major and continuing importance to California

By authorizing the California State Archives to work cooperatively with oral history units at California colleges and universities to conduct interviews this program is structured to take advantage of the resources and expertise in oral history available through California's several institutionally based programs

Participating as cooperating institutions in the State Government Oral History Program are

Oral History Program
History Department
California State University Fullerton

Oral History Program
Center for California Studies
California State University Sacramento

Oral History Program
Claremont Graduate School

Regional Oral History Office
The Bancroft Library
University of California Berkeley

Oral History Program
University of California Los Angeles

The establishment of the California State Archives State Government Oral History Program marks one of the most significant commitments made by any state toward the preservation and documentation of its governmental history. It supplements the often fragmentary historical written record by adding an organized primary source, enriching the historical information available on given topics and allowing for more thorough historical analysis. As such, the program, through the preservation and publication of interviews such as the one which follows, will be of lasting value to current and future generations of scholars, citizens, and leaders.

John F. Burns
State Archivist

July 27, 1988

This interview is printed on acid free paper

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INTERVIEW HISTORY

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Interview Time and Place

January 20, 1989 session of one and a half hours

February 24, 1989 session of three hours

March 1 1989 session of two hours

March 10, 1989 session of two and a half hours

March 22, 1989 session of two hours

April 5, 1989 session of three hours

April 12 1989 session of two hours

April 27, 1989 session of two hours

May 23 1989 session of two hours

All sessions took place in Mr Margolis s office in Sacramento, California

Editing

Hicke checked the verbatim manuscript of the interview against the original tape recordings, edited for punctuation, paragraphing and spelling and verified proper names. Insertions by the editor are bracketed. The interviewer also prepared the introductory materials.

Mr Margolis reviewed the transcript and approved it with extensive corrections and deletions.

Papers

Papers are deposited in the State Archives

Tapes and Interview Records

The original tape recordings of the interviews are in the Bancroft Library/Microfilm Division at the University of California at Berkeley along with the records relating to the interview. Master tapes are preserved at the California State Archives in Sacramento.

BIOGRAPHICAL SUMMARY

Larry Margolis was born in Los Angeles California, on October 7, 1923. He attended public elementary and secondary schools in Los Angeles and San Diego counties, graduated from the University of California at Los Angeles in 1951 with a B.A. in Political Science and attended McGeorge College of Law in Sacramento for one year.

For occupational history, community activities, and bibliographic references to Mr. Margolis's writings see attached.

CURRICULUM VITAE
Larry Margolis

BIRTH	Los Angeles California October 7 1923	
FAMILY	Wife - Selma Magolis three children - Melinda Geoffrey Andrea	
EDUCATION	Public Elementary and Secondary School Los Angeles and San Diego Counties	
	University of California at Los Angeles (B A Political Science)	1946-1951
	McGeorge College of Law Sacramento (1 year)	1961-1962
CURRENT POSITION	Executive Director Sacramento Water Intelligently Managed	1989
PREVIOUS POSITIONS	Consultant Public Finance	1987-
	Senior vice President Public Finance Dean Witer Reynolds Inc	1986-1987
	Executive Secretary Pooled Money Investment Board	1981-1986
	Executive Secretary California Passenger Rail Financing Commission	
	Advisor and Policy Coordinator for the State Treasurer	
	President Larry Margolis Co Sacramento	1981
	Associate Thompson and Associates Sacramento	1979-1981
	President Legis 50/The Center for Legislative Improvement Denver Colorado	1978-1979
	Executive Director The Citizens Conference on State Legislatures (Later known as Legis 50/The Center for Legislative Improvement)	1967-1978
	Chief Assistant to Jesse Unruh the Speaker of the California Assembly	1961-1965
	Staff Director Ways and Means Committee California Assembly	1960-1961

CONSULTANCIES FELLOWSHIPS AND TEACHING APPOINTMENTS	Distinguished Visiting Lecturer University Colorado Denver	1976-1979
	Member Advisory Committee Governmental Ethics Project Loyola University of Chicago (Eli Lilly Endowment Grant)	1977-1978
	Consultant Eagleton Institute of Politics Rutgers - The State University New Brunswick New Jersey	1966-1978
	Consultant the Rand Corporation Santa Monica California	1966-1975
	Visiting Lecturer Department of Political Science University of Missouri Kansas City	1972-1973
	Consultant American Political Science Association Political Reporter Awards Seminar	1966-1972
	Visiting Lecturer Department of Political Science University of Kansas Lawrence Kansas	1968-1969 1967-1968
	Lecturer Department of Political Science Stanford University Palo Alto California	1967
	Consultant Eagleton Institute of Politics on a study of the Maryland Legislature	1967
	American Political Science Association Fellowship for Legislative Staff	1966-1967
MILITARY SERVICE	U S Air Force Group and Squadron Intelligence - United States England France and Germany Taught in the Army Information and Education Programs	1942-1945
PUBLICATIONS	States on the Spot ' <u>The National Civic Review</u> Volume LVII No 6 June 1968	
	Revitalizing State Legislatures Yearbook of the National Conference of State Legislative Leaders No 3 November 1968	
	Some Considerations for Legislative Modernization ' Yearbook of the National Conference of State Legislative Leaders No 4 November 1969	
	The Urban Crisis Is Not In The Cities ' Freedom at Issue No 4 November-December 1970	

The Sometime Governments by John Burns and Larry Margolis (New York Bantam Books 1971 CCSL 1973

American State Legislatures Problems and Progress
Legislative Issues of the Seventies proceedings of the
presession legislative conference Lyndon B Johnson
School of Public Affairs The University of Texas at
Austin 1971

Annual Sessions Doorway to Legislative Maturity
in Missouri Missouri Municipal Review June 1971
Will This Building Be a Museum in 2001? Puget Soundings
Junior League of Seattle Inc February 1972

PAPERS

'Legislature s Role in Major Public Policy Decisions for
the 70s The Rand Corporation conference on State and
Local Government Management November 20-21 1970

The Legislature s Role in State Planning seminar on State
Planning and Economic Development Denver Colorado
March 13 1968

Innovations for the 70 s - What Works seminar on Urban
Problems New Jersey State Legislature April 16 1970

Revitalizing State legislatures Obstacles and Opportunities
Eagleton Institute State Legislator Conference Key Biscayne
Florida July 27 1968

The Media and the Crisis General Electric Company
Broadcasters Executive Forum Management Development
Institute Crotonville New York August 31 1970

Some Considerations for Legislative Modernization
Southern Regional Conference Council of State Governments
Mobile Alabama July 30 1969

Legislative Reorganization - A Review of Philosophy
Development and Methodology 73rd National Conference
on Government National Municipal League Milwaukee
Wisconsin November 14 1967

The Laboratory of State Government Crucible of
Representative Democracy Connecticut League of Women Voters
Connecticut October 18 1967

[Session 1, January 20, 1989]

[Begin Tape 1, Side A]

HICKE Please tell me about your background, starting with when and where you were born

MARGOLIS I was born in East Los Angeles in the White Memorial Hospital on October 7, 1923 We lived in Boyle Heights My mother died when I was five When I was about eight, we moved It was during the Depression My father, who had been a kosher meat inspector and a butcher a ritual slaughterer had lost his job in the Depression Years before he had homesteaded some land in the mountains of eastern San Diego County, east of Palomar, in an area called Chihuahua Valley

We moved up there to escape the Depression We grew some vegetables, raised a few animals, and were otherwise on welfare We weathered the Depression up in the mountains I understand it's still as primitive and remote and isolated as it was when I was a child

HICKE Have you been back there?

MARGOLIS I have on a few occasions, I guess the most recent of which was seven or eight years ago I drove up one afternoon to look it over and saw that it was pretty much the same as it had been when I was a child It's an area that has been bypassed on both sides To the east, over the mountains, are Beaumont and Banning the part of Riverside County around Palm Springs On the west side in San Diego County were the Julian Grade, Warner's Hot Springs, Highway #395 (now #15), Mt Palomar, Oak Grove Both sides

have seen quite a bit of development, but the valley in between has remained pretty primitive and isolated. Why, I'm not sure.

HICKE: It's one of the few places in California that has not changed.

MARGOLIS: That's true. I also have a younger sister, Shirley. She's a year and a half younger than I. We lived with our father and then a stepmother up in the mountains. When I was eleven, Shirley and I ran away from home. We ran away a couple of times and then wound up after that at Vista Del Mar, which is a home for children of broken families. It's a United Way and Jewish Community supported agency.

HICKE: Where is that, in Los Angeles?

MARGOLIS: Yes, in West Los Angeles. I spent my high school years at the Vista Del Mar, and she did too. That was where we finished our growing up.

HICKE: What kinds of things were you interested in in high school?

MARGOLIS: I was interested in a lot of things. I guess my first organized ambition was to be doctor, so I was going to go to college and study medicine. The fact that my mother had died of tuberculosis at an early age impelled me to want to discover a cure for that still dread disease. But I underwent a lot of changes in ambition and aspiration. I was interested in quite a lot of different things, sports being one of them. I played basketball in high school and did some track. I was also a good student in languages and studied Spanish all through high school. I belonged to the photography club. Gosh, I haven't thought about those days for a long time, so I don't remember what all else. It was just a wide variety of things, not particularly political or governmental.

HICKE: Did any of them follow you through life?

MARGOLIS: Well, I have a lot of hobbies and I'm still interested in sports, among many other things. But a lot of my interests have changed. When I was in college, I think I changed majors four or five times. I was first a premed, then an English major, then history and philosophy, and finally political science. I graduated in political

science But I had enough credits in most of those fields to have a major in all but the premedical one Organic chemistry did me in in premedicine

HICKE You went to UCLA [University of California, Los Angeles]?

MARGOLIS Yes, I did

HICKE You graduated in political science finally?

MARGOLIS Yes

HICKE What eventually turned you to that direction?

MARGOLIS I thought I wanted to go to law school and that political science would be the appropriate base for that But by that time, I had also gotten very much interested in politics My UCLA years were all post World War II, I was a G I Bill veteran Just about the time I was getting ready to enroll, I met Frank Mankiewicz, and he of course had a very strong interest in politics He was a couple of years ahead of me in school He had started college before World War II, and then when he came back as a veteran, he came back as a junior, whereas I came in as a freshman, though we were about the same age He was responsible, in a large way, for my interest in politics

Yet, it s really not quite that simple It was more the experience of having been in World War II that I think turned me on to politics It became apparent how dangerous the world is through World War II, and the notion of trying to do things differently and making it a better place and less susceptible to war were I think the major motivating things And when I came back, I came back as somebody who believed in the United Nations as a means of preventing war, that the generation of people who were in World War II would know how to avoid all the troubles and difficulties that led to war, famine, disease, and we would abolish them

HICKE Can you tell me more about your experiences in the war?

MARGOLIS Well, they weren t terribly distinguished I had enlisted, I had had a close friend in high school we lived at Vista Del Mar and we

were both on the basketball team and we wanted to try to stay together. One way to do that was to enlist rather than wait to be drafted. So we enlisted in the air force. We no sooner got in than we were sent in different directions. He went to gunnery school and I went to intelligence school. Both schools were in Denver, Colorado, but on opposite sides of the city.

HICKE

What was his name?

MARGOLIS

[] Sam Diamond. He died in the war.

HICKE

How did you happen to go to intelligence school?

MARGOLIS

I don't know. They gave us a battery of tests and sent us in different directions. We had actually gone from Fort MacArthur, where we enlisted, to (They were short of people for basic training in Atlantic City.) So they put us on a train to Atlantic City, and we nearly froze to death. It was the beginning of December of 1942. We were in Atlantic City for about a week, and then there was a shortage in the schools, so they interrupted our basic training and shipped us back to Denver, Colorado. Sam was sent to gunnery school at Fort Lowry and I was sent to intelligence school at Fort Logan. I think that he just was tested as somebody more mechanically adroit than I was.

HICKE

These were aptitude tests?

MARGOLIS

Yes, and so that's how we ended up. He was a gunner on a B 17 and I was an intelligence clerk in a troop carrier unit.

HICKE

Did you say B 17?

MARGOLIS

B 17 bombers. He died in a raid. He was stationed in England, as I was, but he didn't come back from a B 17 raid at Schweinfurt, [Germany].

HICKE

And so you were stationed in England?

MARGOLIS

Yes. I spent about the better part of a year in various units. What was happening was that a unit would be started and then it would split, and the nucleus of a new unit would be created. These units were air force wings or squadrons or groups, and so I was in a number of those start up units in Nebraska, Missouri, Fort Wayne,

Indiana and then finally was in one that was shipped over to England. I was in England for I think fourteen months. Where?

HICKE

MARGOLIS Most of the time I was in a place called Kettering in the Midlands in Northamptonshire. There was a big troop carrier base and glider contingent. Transport planes and gliders go together. There was one of those bases there. For a short period I was stationed near Nottingham, but most of the time I was at Kettering. Nottingham wasn't all that far from Kettering, either, maybe forty miles. But I spent almost the entire war there.

That was a pretty miserable time of my life, because I was pretty low on the totem pole. Intelligence work is an odd mixture. What it consisted of for me was teaching aircraft recognition to pilots and briefing them on antiaircraft, the location of antiaircraft on the maps of the areas they'd be flying over. I debriefed them when they came back from missions and marked up the maps. I also conducted news programs and education programs for the people on the base. Not just the pilots, anybody in the units. And I did a lot of k p [kitchen patrol] and a lot of guard duty and all those wonderful things. As I say, I was fairly low on the totem pole. I rose to the exalted rank of corporal.

In early 1945, our unit had been transferred from England to France, and the front had by this time gotten pretty much to the French German border. So things were moving from England over to France. I was over there when the Ardennes breakthrough occurred. Whole groups of people were pulled from the air force, especially nonflying people, into the infantry. I was in that group. The day I left France to go back to England for infantry retraining was the day [President] Franklin [Delano] Roosevelt died. I remember hearing the broadcast. That was in April of 1945.

I had six weeks of infantry training, and then was put into an infantry unit in a replacement group. When you came out of training you went into a replacement unit, which was then sent to

wherever the front was. Until you were assigned to a specific unit, you were in this replacement unit in a replacement depot. So I was in a replacement depot, and we all were put on a train that crossed France and into Germany. The war was ending; this was early June. The war in Europe ended, I think, on August 8.

We were on this train going through Germany. Germany was burning and smoldering and smoking. There were some snipers, but there was no organized fighting. Trains were very slow in those days, a lot of rails were bombed out, and so you'd stop while they rebuilt the rail line. We were on this train for I think a week [Laughter]

We finally wound up in Nuremberg. While we were there, the war ended; the armistice was signed. I was in Nuremberg, and then stayed there never having left the replacement depot. I was in various replacement depots, but never got to the front. Replacement depots were then full of either new recruits, people who had newly been drafted into the army or recently trained, or people who had been wounded and then rehabilitated and retrained and brought back. It also included people like myself who had been transferred from other units and trained. So I spent a lot of time in replacement depots at the end of the war, and I ended up being stationed at one of the smaller concentration camps. It was a very small one.

HICKE

Do you remember the name?

MARGOLIS

The town was Rotterbach, in the outskirts of Nuremberg. I don't remember the name of the camp. It wasn't on the scale of the big ones, like Auschwitz. The knowledge about concentration camps had not penetrated very deeply. Some units had been involved in liberating them and may have been more aware of what was going on. I was at this place for quite a while before I even had any inkling of what a concentration camp was or what the significance of it was, and that this place actually was one.

HICKE

Was it deserted by now?

MARGOLIS Oh, yes In fact, the buildings that had served as the concentration camp were in decay and disuse and were not immediately a part of the camp we were located in, they were adjacent to it And there were warehouse like supply buildings that bordered on it Military government was just beginning to make an issue of the concentration camps They posted pictures of the camp when it was operating as a concentration camp and they required civilians who lived in the area to walk through and to look at the pictures and to see the camp

HICKE The German people?

MARGOLIS Right

HICKE Do you recall any reactions?

MARGOLIS No I must say, it really hadn't penetrated I hadn't been that conscious of the issue It was a combination of things There wasn't very much information You heard a lot about atrocities It wasn't that unusual to hear about atrocities, but the notion of the organized character of it, the size, scope, the enormity of it was really too much to comprehend It took a long time for it to sink in, to penetrate, that that's what was going on, and what it meant and how horrendous it was It was a long time after we had left there that it began to penetrate and I could begin to understand it in the context of the information that was coming out about the later stages of the Nazi regime There was very little information around prior to that A camp would be discovered, liberated, it would make the news, people would be horror struck but then it sank in, and other news took over It wasn't till the whole pattern was revealed that the enormity of what had gone on there became apparent

I was in this area for about three months Other buddies and I would go into Nuremberg and into the old, walled city of Nuremberg The rubble was literally still smoking There were occasional rifle shots of a sniper

There were memorable experiences. One day we discovered the Albrecht Durer house in what's called *die Alte Stadt* [German], the old city, of Nuremberg.

HICKE

It's now quite a museum. What was it like when you were there?

MARGOLIS

Well, it was a tall, narrow, four-story house with a high peaked roof. The front had been shorn off by a bomb and was open. Somebody had nailed on a couple of crossboards to keep it from falling over. It literally would have sagged over. We climbed in and there was apparently nobody around. All this stuff there were drawings and things falling out of the drawers and off the shelves.

HICKE

Drawings?

MARGOLIS

Oh, yes. It was all original art. The staircase seemed too rickety to walk on, and though the more valuable things were probably up on higher floors, we didn't get up to them. On the ground floor there were a lot of etchings, drawings, and prints. We figured that probably everything was going to be looted, so we gathered up a few things ourselves. We took some drawings. One particular piece I recall was a zinc canteen with an etching of the old city of Nuremberg in its side.

I took that and some drawings and prints, and we started to leave. I heard this squeaky voice from the stairway. It was an old, old woman, hunchbacked. She must have been in her eighties. She was squeaking about not taking anything. So we turned back and we saw her and asked her what this was. She told us this was the Albrecht Durer Museum and asked us not to take anything. She was the only one there. We gave it all back to her. I'm sure the place was looted anyway afterwards. But, at least, we did not take any of it.

HICKE

Well, it's now restored and it's quite a delightful little museum. I saw it a couple of years ago. I wonder if they did either find or replace any of that.

MARGOLIS I don't know. We also illegally fraternized with Germans, and of course, everybody we met claimed to know nothing about the Nazis and about the concentration camps.

HICKE They had all fought the Russians.

MARGOLIS Right. None of them had anything to do with atrocities, and they were against the Nazis. This was true of young girls and old men and everybody in between. When I think of how dangerous a position we had put ourselves into it still scares me. It seems ridiculous, in retrospect, to think that the two of us were out alone at night.

The breweries were just going back into the business, and there was one place where we were stationed where a very famous old brewery had been located. The military government officer had gotten it back into service. It was just starting to produce beer. This was in a town called Schwabach. The beer was green. It was so rich and feisty that half the glass was head. But it was real beer versus that watery stuff that they sold to soldiers in the PXs [post exchanges]. But as I said, the breweries had just started getting back into functioning and we were out at night in these remote and lonely neighborhoods where we could have been popped off so easily and nobody would ever have known we were missing. We were just foolish, stupid, and I guess lucky.

Another memory of that period—again, in the old city, the cathedral half way up the hill. One end of it had been bombed open to the sky. This was about three months into post World War II in Europe, and there had begun to be some reorganizing of life in Nuremberg. A small orchestra had been organized, an orchestra and chorus. It was very small, maybe ten or twelve pieces in the orchestra and ten or twelve voices in the chorus. They undertook to put on a performance of the [Franz Josef] Haydn oratorio, 'The Creation.' They performed it on a Sunday afternoon, and I went to it.

I was by then somewhat interested in music and art, not in a highly developed way, but I'd gotten some exposure through people I knew, fellow soldiers and others. I remember one fellow who had been a music teacher at the University of Missouri whom I had met and become friendly with in one of the various replacement depots. He had quite an influence on me, starting me thinking about things of that character, of the arts. Through him, I had gotten to know a large group of people, artists and actors and others in the arts. They were an interesting group of people, and through them I learned a great deal about the arts. I corresponded with this fellow for a long time afterwards, even after the war, but I never saw him again. I think his name was Robert Sheldon. I'm not sure. Let's see where am I?

HICKE Let me just turn the tape over since we're at a stopping place

[End Tape 1, Side A]

[Begin Tape 1, Side B]

MARGOLIS Back to the cathedral. Outside the cathedral, there was a statue of [Ludwig Von] Beethoven, the head of which had been blown off. In fact, everything was scarred by bullets and broken. There was nothing intact in all of Nuremberg. It was the most bombed out place I could imagine. (I have since then read Kurt Vonnegut on the fire bombing of Bremen, and I imagine that was even worse.) But the statue of Beethoven was interesting. It stood a little higher up the hill from the cathedral, and Beethoven was standing looking toward the old city with his hand outstretched. Somebody had strung an electricity wire from someplace behind the statue to the cathedral to put some temporary lights in the cathedral, and they had it go through Beethoven's hand, so he was holding the wires for the temporary electricity. [Laughter] It always struck me as humorous irony.

I was there nine months in Nuremberg. I was there during the time they were preparing for the war crimes trials. I left before

those started, and I didn't have any connection with them. Actually, all that time, I guess if I hadn't been so weary of the army and the kind of life I personally led, it could have been a very pleasant time, I mean, it was like a vacation. The big replacement depot was like a country club. We had our meals, food was starting to get good as the war was over, and it was this gigantic place, all these young guys in their late teens and early twenties discovering life and learning new things. There were classes of all kinds going on. I learned to play bridge, pinochle and chess, during this time. I read a lot. I read all of Thomas Wolfe, I think, during this time, and a good deal of [Feodor] Dostoyevsky. Discussions would go into the night about the things we were reading and the things we were learning. It was sort of like a summer camp or a university campus without organized classes, something like that. Did that develop your political ideas?

HICKE

MARGOLIS

Yes, I think so. Certainly. But by then, I had gotten pretty concerned about the condition of the world and was a strong believer that this was the war to end all wars and that we were all going to make the world a better place. I had come to that view pretty much throughout the time I was there, and my objective in going back [to school] was to have a role in that. In what fashion I didn't know, because I had this interest in going to medical school. I guess that was motivated more by the death of my mother at a very early age and the feeling that it was such an unnecessary thing and that she could have been saved and others could have been. That's what motivated me to want to go into medicine. And then that shifted to an interest in psychiatry, because I had read Count [Alfred] Korzybski's *Science and Sanity*¹ and that made a big impression on me. The book is about semantics and mental processes. But all that came to an end in UCLA's course in organic chemistry. [Laughter]

1 Alfred Korzybski, *Science and Sanity* (Lakeville, Connecticut: International Non-Aristotelian Library Publishing Company, 1958).

HICKE [Laughter] Who knows what damage organic chemistry has done?
 MARGOLIS Right You know, I guess that in a few years, they probably wouldn't teach it anyway

HICKE Well, you started to say you also made various forays into the
 MARGOLIS Into the city I remember going to a small church in one of these towns near Schwabach I don't remember the name of the town, but it has a magnificent church It was very small, but the splendor of the decoration of churches just blew me away, not just the stained glass but the carved walnut, the stations of the cross, the gold and the colors just the tremendous splendor of the inside of a little, out of the way church Now, this was a church I think where [Johann Sebastian] Bach had been the organ master So it was a significant church, but it was not one of the major cathedrals

HICKE But still very baroque or even rococo in decoration
 MARGOLIS Right So I was traveling around seeing things like this, and these just made gigantic impressions on me about culture, art, history, literature, and so on

I continued in replacement depots and finally my number came up for going home I was shipped back to a big, big tent camp in La Havre I was to be put on a ship home from there, but instead I got shipped over to Southampton, stayed in another tent camp in Southampton for another week or so, and then was put on the [S S] *Queen Mary* and came back

I guess it was in the camp at La Havre that I read *The Brothers Karamazov* [by Fyodor Dostoyevski] ¹ All that was so brand new to me I had really no introduction to great literature or art before my experience in the war, in the army

HICKE And that stimulated you to try English lit[erature]?

MARGOLIS Yes During the fourteen months in England, I'd escape from k p or guard duty or teaching aircraft recognition, and go and hear the London Philharmonic in the Leeds Cathedral

¹ Fyodor Dostoyevski, *The Brothers Karamazov* (New York: Modern Library, 1950)

HICKE
MARGOLIS

It sounds as if those years were really very formative for you. Indeed they were. But at the same time I can't tell you how miserable I was. I once came across an old photograph of myself. I had been washing floors in the officers' club in one of these air stations in England. I was standing next to a glider that was part of the equipment in the place. The photograph just spoke tons about how at the bottom of everything I was. I was all covered with grease and grime, and just looked miserable— as miserable as I felt.

When I did guard duty (Guard duty, being alone) I'm a very gregarious person, and being alone at night is more like capital punishment to me than anything in the world. I would take paperback books or *Time* or newspapers, and using a small flashlight shielded inside my coat, I would pass the time reading. This was about as illegal as you can get— night guard duty, guarding airplanes at a landing field during wartime, and reading. It was miserable with a cold wind blowing. I'd do two hours on and four hours off, two hours on, four hours off. That was the worst punishment. I was assigned it because I was low on the totem pole.

A captain was the head of the group intelligence unit. He was intellectual and sophisticated, and he taught a class in astronomy, of all things. This was part of the education program that was conducted in various camps. There was a sizeable army education program. Almost every unit of a hundred or more soldiers had some sort of classes going on all the time. So this guy taught a class in astronomy, which I took only because it was the only class that was being given. Kirk was his name, John Kirk. He was a university graduate and had plans to go back to graduate school and get a Ph.D. in philosophy. He got married while we were in England. He married the daughter of a Jewish refugee family in London, though he wasn't Jewish. We got to be friends, and he had a lot of influence on me. He knew a lot about music and composed and played the piano.

When we came back, after the war, he turned up at UCLA as a teaching assistant in the philosophy department. We remained friends and spent a lot of time together. He was also the classical music announcer on a local radio station. He had a night job while he was a graduate student at UCLA. So he knew a lot about music and was always full of anecdotes about composers. I was stimulated a lot by him, because he was way ahead of me educationally and culturally, and yet he was friendly to me.

He helped rescue me. It was this relationship and one other thing that rescued me during that time that I felt like I was really drowning. There was one spell I was in the same place for about ten of the fourteen months I was in England. It was the period leading up to the invasion of Normandy. Our unit had a big role in that invasion. But this was a period where nothing seemed to be happening. The rumors would start about the invasion and then nothing would happen. The training had been brought up to snuff, but then it would fall back. Nothing ostensible was happening.

HICKE

But everybody's nerves were on edge.

MARGOLIS

Yes. Around this time, I had met a fellow who served as a chaplain's assistant. He was a flaming homosexual, and a piano teacher. While I disliked, intensely, his personality, the fact that he knew the piano and could teach it was. I got him to give me lessons. There was a chapel that had a piano in it and it was unused at night, in fact, it was unused all the time except on Sundays. So I started taking lessons from him, and I would practice three or four hours a night during this period. I got so involved that I did the equivalent of about a year's work in about the six weeks it lasted. Then the invasion did occur and I was transferred. Everything started to move once the landing [took place] at Normandy. Many units started moving farther south in England and then ultimately over to France. But in that six weeks, he said that I had done about a year's work with all that practicing. That and the astronomy classes kept me alive, I think.

One of the training units I was in before I was sent to England was stationed at Pope Field (Fort Bragg), North Carolina. It was a unit made up mostly of Southerners, rednecks, bigots, anti Semites. One night I offered to take them all on, physically, one at a time. They didn't know I was Jewish. Growing up on the West Coast and not in an eastern U.S. ghetto, I didn't fit their stereotype, they didn't associate me with being Jewish. But they would talk about Jews and say insulting things about Jews all the time. Finally one night I had had my fill of it. I said I'd take them on one at a time, or all at once, whichever they preferred.

HICKE

What happened?

MARGOLIS

They didn't realize and they apologized. They said they didn't mean anything by it. But it was that kind of existence.

HICKE

So it was very uncomfortable, but also stimulating in ways.

MARGOLIS

Well, some isolated rays of stimulation in the midst of all of it. Anyway, I don't why I've gone into all of this. That was just a desolate period in my life. [Laughter]

HICKE

Yes, but it's very clear that that had an enormous influence on your later direction. So we got you back into UCLA and into political science.

MARGOLIS

Yes. After bouncing around to all these other majors, I finally wound up in political science. As I said, Frank Mankiewicz had a very big influence on my thinking. Actually, Frank Mankiewicz's father, Herman Mankiewicz, had an even bigger influence on me. Frank and I had gotten to be really good friends, but as I said, he was a couple of years ahead of me in school. We had roomed together, and after two years, he had gone on to Columbia University to the graduate school of journalism, and I was still at UCLA. His family lived in Beverly Hills. When Frank was still at UCLA, we were there a lot. His mother sort of adopted me (not formally) but I was like another son in their home and would have meals with them all the time. And then when Frank went to

Columbia, I would still go there. Frank had a younger sister, Johanna, and I babysat her often.

I spent a lot of time with Frank's father. Herman was a screenwriter and by that time was somewhat broken down physically. He had had drinking problems and been injured in an automobile accident and was in pretty bad shape physically, but still had one of the most powerful and witty minds I had ever encountered. I spent a lot of time talking to him, and he undertook the continuation of my education. He was fairly conservative in his outlook, he had reservations about America's participation in World War II, and even World War I, for that matter. He subscribed to [President George] Washington's Second Inaugural thesis, that we should stay out of Europe's squabbles. He was a great wit, and a marvelous man, an enormous intellect. He was the author of *Citizen Kane*. Even though Orson Welles, in order to make the case of Boy Wonder, claimed credit for writing it, Herman Mankiewicz wrote it.

HICKE

You mean the screenplay?

MARGOLIS

Yes, the screenplay. It was written as a screenplay.

HICKE

It was never a book?

MARGOLIS

No. He had many other movies. *Pride of the Yankees* and *Enchanted Cottage*. It was just an endless number of movies. But those were all behind him by many years by the time I met him, although he was still working, but he was doing odd writing jobs for the studios. And he was working on a couple of screenplays on his own, one on the life of Amy McPherson. I don't know whether it ever saw the light of day or not. I don't know whether it ever got produced. But he was spending a lot of time working on that.

He had a powerful influence on my political views. His anathema was mushy-headed liberalism. He made me think, he made me defend. I mean, I was a mushy-headed, knee-jerk liberal when I came out of the war and was a student at UCLA. He made

me think, he made me defend my positions, he really made me work

HICKE

Is that right? He would cross examine you?

MARGOLIS

Oh yes, and argue, and point out the ridiculousness of what I was saying with savage wit. Just from his own lifetime apart from his voluminous reading he had this gigantic knowledge of public affairs. He had started out as a drama critic, writing for the *New York Times*, and he was one of the group that founded the *New Yorker* magazine. The group was called the Vicious Circle, or the Algonquin Roundtable. It included Dorothy Parker, Robert Benchley, Franklin P. Adams and all those people. He had come out to Hollywood to write one or two pictures because the money was so good, and he got hooked on it. He always resented the fact that he had thrown over a career that could have led to being drama critic of the *New York Times*, or a playwright of major significance. But he never achieved that. He was bitter about that, and he drank fiercely.

I took Frank to the hospital when Herman was dying. Frank came out and said, 'Do you know what the old man said to me?' (I guess I should explain first that he was deeply in debt. He would buy things like a car, a refrigerator, or whatever, and get credit life insurance and convert it to regular life insurance because he couldn't get insurance directly. He was trying to protect his family. He was deeply in debt and he had to borrow money often.) So Frank said, when he came out of the hospital, that Herman knew he was going and said, 'I guess I'm prepared to meet my co-maker.'

HICKE

Did he do this same kind of thing with Frank, this adversarial arguing?

MARGOLIS

Yes, but there was a little bit of a difference. First of all, Frank had a lot of his father's quickness and this kind of surface brilliance, so that it was more like badinage with his father. Also they had this history of father-son, which is freighted with a certain amount of

distemper and emotionalism. So there were hedges and things you couldn't do. With me, I was just drinking it up. I mean, there was no struggle between us. I wasn't resisting. To be sure, I felt nettled by his attack on my dearly held views and positions, but I didn't feel anything of the father-son history of his changing my diapers and all that stuff. I mean, we were

HICKE

It was not a personal attack.

MARGOLIS

No. And it was more out in the open, there were fewer underlying rumblings than go on in family situations. But I found that in a lot of my life, I would always ask myself what Herman would say to this. If I thought I believed this or was about to say this, what would Herman say? He became my superego.

HICKE

Would you come up with an answer?

MARGOLIS

Well, it caused me to take it easy, to be less sure of myself and less inclined to be gullible about things. There were only two or three such people who were those alter ego people for me, that I sometimes find myself thinking, when I'm facing some sort of a decision, thinking how would they think about this or what would they say if I did this or that. Superego, I guess, more than an alter ego. And he's one of them. [Speaker] Jesse Unruh was another one. So is Alfred Baxter, and [Philip] Phil Selznick was one such. Do you know who he is?

HICKE

Why don't you elaborate on your relationship with him?

MARGOLIS

I think he's retired now, or emeritus professor of sociology. He was head of the Center on Law and Sociology at [University of California,] Berkeley. He was a professor of sociology when I was at UCLA. He came there a couple years after I did, and we got to be friends. I took a couple of his courses. He taught organizational theory. He had a lot of influence on me, in terms of rigorous thinking. He had been a member of the Communist party in his youth at CCNY [City College of New York], a pre-World War II graduate, and he had not only left the party but wrote a

book called *The Organizational Weapon*,¹ which is an analysis and description of the Communist party's attack on democratic society. He and I were friends for a long time. However, many years later our relationship ended up in rather a sorry state.

After I left UCLA, he did the unthinkable. (This doesn't have anything to do with our relationship.) But transferring to Berkeley from UCLA was considered very bad form in the university. He did it and managed to get it behind him. He realized he had made the wrong choice when he came out from the East and had gone to UCLA. Ralph Bloom had been his mentor, and got him up to Berkeley, and helped him through the ordeal of treason to UCLA and all that stuff. [Laughter] You know about all the academic politics.

HICKE: You never could quite get over that hump either, huh? Being from UCLA, you never quite got over his transferring?

MARGOLIS: No. That had really nothing to do with it. What did have to do with it was that I went east in 1954 and I was gone for seven years. I came back to work for Jesse Unruh when he was chairman of the Ways and Means Committee here, and then a year later, Unruh was elected speaker. In my role as his assistant, I had a lot to do with legislative policy. When I came back, I got back in touch with Phil, and we did some visiting. My wife and I went over there for dinner a couple times. Phil's wife, Gertrude, now deceased, was as much a friend as he was to me. During our years at UCLA we played the recorder together. She was teaching me the recorder and she was good at it. That's how we got to be friends.

Anyway, Phil would have these soirees in his home and Selma and I would drive down from Sacramento.

HICKE: This was when he was in Berkeley?

MARGOLIS: He was in Berkeley, and he by this time had surrounded himself with a large group of faculty people. At that time, the speaker had

1 Philip Selznick, *The Organizational Weapon* (New York: Arno Press, 1960).

a very large legislative program in all areas, and I was in some measure responsible for originating some of it

[End Tape 1, Side B]

[Begin Tape 2, Side A]

HICKE You were saying you were responsible for

MARGOLIS For managing the progress through the legislative process of some of the speaker's legislative program, whether I originated it or not I'd go down to these soirees at the Selznicks and the discussion would get to some issue of public policy, often education or higher education, or the university and its relationship with the state government. So I would express my view as to what I thought was happening or how I thought issues were being perceived. I found myself being treated in an odd way, sort of like a rube from the sticks who didn't know shit from shinola amongst all of these higher education wizards. I found Selznick treating me like a country bumpkin, and I finally told him that I didn't like it and I wasn't going to put up with it anymore. It was as though he was saying, "What business do you have deciding things that we savants know all about?" Some of it had only to do with the age old conflict between the government and the university. I have always been a friend of the university in terms of what its needs are and how it was treated by the government, but I didn't consider myself to be owned by it. And I felt that I was being treated as the cause of the university's problems with the state government, the agent of darkness and evil, and I didn't like it.

So I told him and said that I just wasn't going to put up with it any longer, and I felt that he was not conducting himself toward me the way I would expect to be treated by a friend. And then we never saw each other after that.

HICKE He had no explanation for

MARGOLIS He just said he didn't understand why I felt that way and didn't think I was correct. After about the third session in which I

thought this was happening, I took a stab at testing what I thought was going on. I started taking the position in one direction and I got jumped all over. So I decided to reverse field and try the opposite and got jumped all over for that, too. So that's when I concluded that this had to do with something more subliminal than apparent.

HICKE: That's too bad. I would think that would be a valuable relationship on their part, actually to be able to get some information about what was really happening in Sacramento.

MARGOLIS: Yes. Over the years, I've adopted some positions which I think were not appreciated by this group of academics. I'm not talking now about specific educational issues or political matters relating to the university so much as things like this. I'm very anti-Zionist in my political outlook, I'm skeptical about the efficacy of psychoanalysis. I have some of the Thomas Szasz view of psychiatry, in education, have you ever come across a book called *University Adult Education*?¹ Do you know who Petersen is?

HICKE: No.

MARGOLIS: He was a professor at Berkeley at one time, a sociology professor, as a matter of fact, who wrote about adult education, which he regarded as a quagmire of mush. [Laughter] The educationalism of the graduate schools of higher education, the movement that made football coaches into school administrators, and the greater necessity to have educational psychology under your belt than a solid subject.

HICKE: Latin.

MARGOLIS: Yes. That whole business. Well, Gertrude Selznick was very psychoanalytically oriented. I don't know where the question of Zionism might have figured in the cluster of things that were irritating or annoying this company. Jewish intellectuals are pretty much slaves to Israel and Zionism politically. Most of them are

1 Renee Petersen, *University Adult Education: A Guide to Policy* (New York: Harper & Row, 1960).

HICKE And it can be an emotional issue

MARGOLIS Yes Then on this business of educational policy, I don't think Selznick was mush headed Gertrude may have been But some of the other people of the company whom he may have been protecting in these soirees and discussions might have been offended by the hard line that I tend to take on things like that That might have contributed to the breakdown I don't know It was a matter of a great disappointment to me, because as I say, he was one of the very big influences in my intellectual development, and he's one of the few people who not so much in recent years but for a long time was a reference in thinking

HICKE Did anything else happen at UCLA that was important?

MARGOLIS Oh, yes I had a big romance in my life most of the time I was there In fact, the same party at which I met Frank Mankiewicz, I met Natalie Kosches, who was my romantic interest almost the entire time I was at UCLA Toward the end of that time, she dumped me for Yosel Rogat Have you ever heard that name? She ultimately married him I was crushed It took me a long time to get over that

But she was another important influence in that she was a musician She played the piano, and I think could have been a concert pianist if she had chosen to dedicate herself to it She had the talent and the training, but she wanted to be a mother and have a family I think she gave that up But I think she could have been a significant concert pianist Through her, I got to know a lot about music from the inside, you know, what music is to the musician

HICKE Theory?

MARGOLIS Yes And I attended a lot of concerts with her and acquired some critical judgment of music and related things As a matter of fact, I became the music critic on the *Daily Bruin* at one time

HICKE Very good Did you continue playing the piano?

MARGOLIS No, I did not Another couple of months and I think it would have stuck, but then after that, there was no opportunity for such a long

time, and then it would have taken a departure from what I was doing and I just didn't quite make the jump. Wish I had, wish I had, because now I think the arts are more important to me than just about anything, and yet I don't have a skill. I play the harmonica, but that's about the limit of my personal artistic contribution.

HICKE Well, you can always take up the piano again any time. It's still there.

MARGOLIS What happens, though, is that the joints and the sinews don't work the way they used to.

HICKE Player piano. [Inaudible]

MARGOLIS Anyway, just to tie that down. Yosel Rogat, a brilliant guy who got his Ph.D. at Harvard [University]. No, I'm not sure of that. It may have been Columbia. He wrote a book about [Oliver Wendell] Holmes, taught constitutional law at Berkeley at one time and Stanford [University] at another, ended up abandoning Natalie and finally committing suicide.

HICKE A brilliant person?

MARGOLIS Yes, but drugs, I think. He left her with two children.

So what else happened at UCLA? [Basketball Coach] John Wooden came the year I left. [Laughter] I tried out for basketball, but I was not in that league. I wasn't that good. I was okay for high school, but not for college. But I've always had an interest in sports. It's not a burning passion, but I've stayed interested. I played it for a long time, for all of my youth and then stayed interested since then, but not the way some adults do. It doesn't take me very long to read the sports page, I read the headlines, glance at the box scores and so on, but it's not as important as most other things to me. But I have stayed interested in it. I can't think of any other major things at UCLA.

HICKE Any political activities?

MARGOLIS Oh, yes, certainly. I was sort of thinking of that as being apart from UCLA, but you're right, that does come out of there. Frank

Mankiewicz came back from the East after he got his M S [Master of Science] in journalism and then spent part of the year in Europe with the North American News Alliance, writing dispatches for them. Then he came back and was working for the *Santa Monica Outlook*. He then started looking at running for office. I was still a student at UCLA. He decided to run for the assembly in the 60th assembly district in Westwood.

Let me step back a bit. Before Frank went East, this would be in 1948, he and I were rooming together. We rented a house in Westwood, and we had done a little work in some political campaign. I don't even remember what campaign it was, but we got to be known as having something to do with politics in that district. You have to remember, it was a very heavily Republican district, and we were Democrats. That means we were big fish in a very small pond. [In 1946, we worked in the campaign of a woman who lived in Santa Monica and who ran in the Democratic primary in the 60th assembly district. Her name was Ann Kemp. She was a leader in the League of Women Voters in the area.]

One day we got a call from Jesse Unruh, saying he wanted to come out to see us. He was a student at USC [University of Southern California]. So we said sure and set a time. I've said this before, and I think even in print, that my first impression was that he was one of the most unprepossessing looking people I'd ever seen. He was jowly and flabby and just didn't look like much. He said he wanted to run for the assembly as a Democrat in the 60th district and wanted our support. We were dumbfounded. We talked about it a little bit. I don't remember too much of the specifics of the conversation.

HICKE

You hadn't known him or heard of him before?

MARGOLIS

No. I think maybe someone I know at UCLA was a friend of his and had suggested that he talk to us. We didn't give it very much.

* Mr. Margolis added the preceding bracketed material during his review of the draft transcript.

further thought He filed Just the notion of a student at USC running in the Westwood district was so out of it that it seemed weird

HICKE

There s a lot of rivalry between those schools

MARGOLIS

Yes, indeed So we didn t pay any further attention Well, Jesse filed but he didn t do anything I mean, he never sent out any information, he never appeared anywhere, he never did any campaigning Somebody else won that 1948 primary and lost to [Assemblyman] Harold Levering, the author of the loyalty oaths That was the first time Harold Levering was elected We had tried to help Wilbur Jerger, who won that primary No offense to Jesse, we just didn t think he was serious We didn t think it made any sense for somebody like that to run

Two years later this is when Frank is now back, after having gone East and returned Frank decided to take a shot at the race against Harold Levering Levering had now become the ogre of the Right, the author of the loyalty oaths, the champion of know nothingism and Babbitry and the like We knew that it was a tough district and that registration was against us, but we were young and idealistic and thought anything was possible So he filed to run, and I dropped out of school and managed his campaign We won the nomination handily over a couple other people, one of them being [Richard] Dick O Neill, who was later state party chairman I can t remember who all ran I think Wilbur Jerger ran again and we beat him too I don t remember now, but I think Les Rivers, the politically left wing actor, also ran

We ran a whiz bang campaign and Democrats sat up and took notice all over the city, because it was a fairly exciting campaign Frank debated Harold Levering all over the place and just made mincemeat out of him I mean, it was pitiful But Harold Levering won the election anyway We got a bigger vote than any Democrat had ever gotten in that district, but it was still 2 to 1 against us

We activated a lot of people in the campaign, many who are still friends and many who were first timers politically. Also, Frank and I were elected to the Los Angeles County Democratic Central Committee in that election. There were seven candidates elected from each assembly district, and we were two of the seven from the 60th district.

HICKE

Did you have an active campaign for that?

MARGOLIS

No. We didn't really need to. We did, however, mail a slate postcard to a few thousand Democrats and that was more than most candidates for the county central committee did. We'd gotten [to be] so well known among Democrats through Frank's campaign for the assembly. And usually, whoever is nominated in the assembly primary, if he wants to be on the central committee, will be elected, it's almost automatic. My association with the campaign was so well known that I was elected too. Also, I had had a brief job working for Leonard Shane and his advertising agency, and to be able to list "advertising executive" was a fairly flashy ballot designation, and it helped carry me into the office. So my only candidacy for public office was successful, when I was elected to the Democratic central committee.

HICKE

That's a very good record.

MARGOLIS

[Laughter] Right. You might be interested to know that one of the people whom we enrolled in our campaign efforts was [Joseph] Joe Wapner. He was treasurer of the campaign, kept the books. Joe Wapner is the television personality on "The People's Court."

During that time, one of my very good friends at UCLA was a fellow named Marvin Holen. He lived near SC, near where Jesse lived. He lived in Inglewood and he and Jesse were friends from the neighborhood. He and I were friends from school. He was the bridge between Jesse Unruh and me. When Jesse was chairman of the Finance and Insurance Committee, Marv Holen was his staff consultant or staff member. Marv and I were classmates. Not just classmates, we took political science courses together and we were

political soul mates. We worked on a project on public opinion together, we conducted an opinion survey. So we knew each other much more than just the fact that we were classmates.

One of the consequences of the 1950 campaign, the one in which Frank Mankiewicz ran, was that we had organized a Democratic club in Santa Monica. In those days, there was no party structure, the party in California is pretty feeble as a consequence of the progressive reforms of the first decade of this century. We had been concerned about this, because we also had an interest in politics now, not just in terms of running a campaign or Frank Mankiewicz's election to the assembly so much as a part of this ambition to make a dent in politics and in government and to change things for the better. We were concerned about this lack of structure and the necessity to reinvent a campaign every two years, and the inability to develop candidate recruitment or build continuity from one election to another.

HICKE: When you say "reinvent a campaign," you mean no organized procedures?

MARGOLIS: Nothing that lasts after the election. So what would happen is that a candidate would organize a Democrat club and publish a newspaper which would endorse him. *The Bay Area Democrat*, for example, a one-time newspaper with a lot of stories about the Mankiewicz campaign and the fact that some committee invented for the purpose endorsed him. And then after the election, win or lose, all the machinery died. The newspaper was not published again. The club didn't exist anymore, it was disbanded. There was nothing. So the lists had to be rediscovered, the machinery put back together again the next time there was a campaign, because there was no continuity and no connection between this campaign and the last campaign. It was entrepreneurial, everybody for himself. That is what the progressive reforms did to party structure and organization in California.

HICKE: But no records kept even of

- MARGOLIS Well, if somebody stuck around and had the foresight and perspicacity to hang onto things and know that they're going to be used again, then possibly so
- HICKE But the next candidate would have to know who that person was in order to produce those records
- MARGOLIS Yes, and they would have to happen to be on the same side of things. We'd been concerned about this, and so we said, We're going to change all that. We organized a club. Marv Holen from UCLA and Jesse Unruh and [Rosalind] Roz Wyman from USC, along with some other UCLA and USC students, got together and organized a thing called the Democratic Guild. It was a student Democratic club, an all year, all weather Democratic club. It was to stay in existence between elections and work in campaigns all over the city, and it did. It was organized prior to the 1950 campaign.
- So the guild came out and worked in Frank's campaign. Jesse Unruh was then managing Esther Murray's campaign for congress in the 16th congressional district. And the guild worked in her campaign, worked in the Helen Gahagan Douglas campaign. She ran for the U.S. Senate against [former President] Richard [M.] Nixon. Then, when the election was over, the club stayed in existence. Jesse Unruh was elected president of it. In fact, he defeated Roz Wyman, her name was Roz Weiner then. She later married Gene Wyman, who still later on was state party chairman and a leading attorney. Wyman, Boutzer, Kuchel, et al., was the firm he started.
- HICKE Where did the Democratic Guild get its financing?
- MARGOLIS From membership dues. It didn't pay for anything. I mean, it was labor intensive. We all worked in campaigns and we didn't get paid for it. We were volunteers.
- HICKE But you kept some records
- MARGOLIS Yes, somebody had the job of keeping records. But now it was an organization, so it was always somebody's job to keep the records.

That, then, stimulated other clubs to get organized

HICKE Other Democratic clubs?

MARGOLIS Other Democratic clubs And in very short order, in other districts where there was somebody like minded who saw what we did with the guild, they decided they'd have a club there and they'd keep it going between elections, and recruit the next candidate that runs for office The machinery would be in place for them So there began, then, to be a series of Democratic clubs, which ultimately affiliated and formed the CDC [California Democratic Council] The irony of ironies is that Jesse Unruh and I were opposed to the point of view that the Democratic clubs' movement would then adopt By then Jesse Unruh was an important elected official and political figure In a weak party structure there is always conflict between elected officials on the one hand and those outside elective office I mean, there is an official party that is an elected officials party and then the people who are not in public office who want to dictate to the people who are in office what their position should be, as is natural That's the conflict

HICKE And that was the CDC?

MARGOLIS Yes, that was the CDC It grew out of the movement that we had started when we were in college Then the irony was that we ended up on opposite sides of the movement that we had fostered

I think probably that's about all we're going to be able to cover today It doesn't seem very far into the subject, but

HICKE You're right We barely got a good start, actually

[End Tape 2, Side A]

[Session 2, February 24, 1989]

[Begin Tape 3, Side A]

HICKE Last time we had talked quite a bit about your background and brought you up to UCLA. You had just finished telling me how the Democratic Guild that you formed there evolved into the CDC. I don't know if we've pretty much covered your political activities at UCLA. You told me about your first contact with Jesse Unruh. I don't know if we've covered UCLA. Do you think we have?

MARGOLIS Oh, gosh, I don't know. At UCLA I changed majors a number of times, and having started as a premedical student, I think I told you organic chemistry did me in. I had a virtual major in philosophy, another one in English literature, and I finally graduated with a degree in political science. My intention was to try to go to law school, but I had attended UCLA on the G I Bill and used it up, because I was there for four years on the G I Bill. Actually, I was there for five years because I had an incomplete and an unrepaid student loan at the end of my four years, so I didn't graduate until 1953, though I was in the class of 1951. It took me that long to repay the loan and get the paper written.

So I did graduate finally in political science and my intention was to go to law school. But I had no way to afford that having used up the G I Bill, so I worked in Los Angeles. I did some work as a labor organizer for a couple of unions, one of them being a printing and paper specialty union. It was a small affiliate of the AFL [American Federation of Labor]. The AFL also had a larger paper union (the International Paper Union), and so this was an

offshoot They were trying to organize the paper box factories There was also a CIO [Congress of Industrial Organizations] paper union (United Paper Workers) In addition, the Teamsters [Union] were active in organizing because of the drivers who drove the trucks delivering the paper goods So there was quite a bit of internecine struggle going on in this field

There was a famous, old time, southern California labor leader named John Donovan, who was the secretary treasurer of this particular union I worked for him and learned a good deal from him about organizing

HICKE

This printing and paper specialty union?

MARGOLIS

Right That isn't quite the name of it It's something like the United Printing and Paper Specialties Union, or something like that It had a name like that, very complicated The smaller the union, the bigger the name in those days [Laughter]

I was trained to go into unorganized plants, work there, learn the job, and talk to the other workers and get them to sign cards for an NLRB [National Labor Relations Board] election I was working in a paper box factory that was printing the cartons for beer six packs They'd print them and score them for cutting and folding into boxes, all in the same operation These big four by eight [foot] sheets were what would go through the press, and then those had to be restacked periodically to permit the ink to dry Talcum powder was sprayed on the sheets as they came out of the press, and then the seal had to be broken periodically by shifting the sheets onto another stack so that they would dry before they were turned into boxes

You start with a pallet and about a six foot high stack of these cardboard sheets, and two people one working on each end One grabs about a four inch slice of this stack and whips it, and the other guy grabs the other end of it, and then you flip it over onto another pallet So when you start out, you're working up high and you're turning it over down low I broke a disc in my back doing

this job. I never did organize a union in that shop, but I learned a little bit about printing and about paper box making, and a lot about back surgery. I ended up having a laminectomy operation and recovered from that. I had a really marvelous recovery, in fact, I was playing tennis within six weeks of the operation.

HICKE

Did that happen to other people who were doing the same job?

MARGOLIS

I don't know.

HICKE

That was not a problem as far as any great numbers?

MARGOLIS

I don't know. I may have had a weakened disc for some other reason and this type of work may have exacerbated it. But it became very apparent and the sciatic problems became very clear when I was doing that work. It got so that I could barely stand up. I'd stand up from a chair and my feet would go right out from under me because of the hit on the sciatic nerve. So I finally ended up having surgery.

But in this period, I worked for various unions, community organizations. The field that I was really interested in was what is now called community relations, community development, the cooperation of nonprofit organizations, what is called the third sector. But there really wasn't a field at that time. This included race relations, labor management relations, all that area of work. So I did some kicking around and a lot of volunteering because there were few identifiable jobs as organizers. The few were the unions or the political parties, those were the only. And the parties were very weak. So there was really not much in the way of career opportunities in that field. I did get to know a lot of people who were active in community affairs, because they were heads of various nonprofit organizations, and I did some work with them.

While this was happening, I was trying to figure out how to get to law school. Through friends I met somebody who was on the staff of an organization, a nonprofit educational organization, and they were recruiting a staff person for their New York office. The organization was called the American Council for Judaism, an anti

Zionist Jewish organization. I had never had much of a role in Jewish organizations one way or the other. I was conscious of them, and my own personal views were non-Zionist or anti-Zionist, I was not in favor of statehood on a religious basis. So when it was suggested I apply for the job, I found it an interesting proposal.

I applied for the job, I was brought back to New York and interviewed. What was motivating me was the belief a) this would be a fairly easy job to do, b) it would give me a chance to go to law school in New York, and c) it would get me a chance to see the East Coast, because I had never been out of California except in the military in World War II.

So I took the job. It turned out that a number of my assumptions were wrong. First of all, it was an extremely difficult job to do, it was an embattled organization representing a very small minority point of view, and I had to work like hell. Night law schools were going out of fashion at the time, so I couldn't go to law school anyway. I'd have to have gone to Brooklyn, which would have been an awful commute. I lived in Manhattan and worked long hours, and traveled a lot out of the city, because I was a regional director for the entire East Coast, organizing chapters, making speeches, raising funds, doing a wide variety of things. So I didn't have any opportunity to go to law school, but I did learn a lot about organizing, about speaking, about politics. While this was a nonprofit and tax-exempt organization, it obviously had political implications in that the politics of Jewish organizations was an important part of it. I learned a great deal about that.

HICKE

What were the issues you were speaking about, other than the state of Israel?

MARGOLIS

It's the question of what constitutes being Jewish, whether or not it's a religious commitment or a political one or a nationalistic one. It was an effort to separate nationalism and religion and to take the view that Jews are nationals of the countries in which they live and that they're not bound by either a nationalism or politics that

commit them to any particular point of view, about Israel or any other country, and that Israel is a foreign country as far as American Jews are concerned, and that while they have a charitable interest in it, they don't have a political obligation or a nationalistic attachment to it. That's still my view, and was then

HICKE

Did you have some success in persuading

MARGOLIS

Actually the trend was running the other way, and the organization finally went under some years after I left. There are just now beginning to be revivals of publications and of organizations that hold that point of view.

HICKE

Why is it being revived now?

MARGOLIS

Well, because people now see the consequences of the complications of the political involvement of American Jews in Israeli national affairs. They're in the awkward position of having taken responsibility without any control over the actions of the Israeli government. And now they're embarrassed by what the Israelis are doing on the West Bank.

HICKE

That's what I wondered, if that had something to do with it.

MARGOLIS

Yes. So now it's becoming very painful. It was in anticipation of just such complications that this organization existed, but it was making no headway, because all the media, all the Jewish organizations were taken over by the Zionists, and still are controlled and operated by people who are committed to the Zionist point of view. So there has been no place in Jewish organizations in which. Until now, as I say, Jewish organs of opinion are beginning to spring up now that are unattached. They aren't anti-Zionist necessarily, they just aren't attached, they're not committed, and they can examine that question as well as any other question independently.

There's a very interesting new magazine published in Oakland called *Tikkun*, which, as I say, it's by no means anti-Zionist, but it does have articles that question the connection between American

Jews and the Israeli government and the Israeli government's policies in terms of its Arab minority and those things

HICKE At the time you were the East Coast regional director, was there a West Coast manager?

MARGOLIS Yes, there was. In fact, it was the West Coast director who had told me about the job and had come to see me through friends

HICKE Who was that?

MARGOLIS His name was Jac Wasserman. He lived in Berkeley. He died about a month ago in Berkeley at age eighty something. He was succeeded soon after that by a man named George Hallowitz, who lived in San Rafael and managed the western region. I didn't care about the fact that this job was in the East for the reasons I've told you. I was rather looking forward to going back there. So I lived in New York for roughly four years.

I was in charge of the regional office. The regional office was combined with the national office of the organization. They were in the same location. That presented a problem for me as a regional director, in that my office was used to run all the errands of the national office and didn't really have an opportunity to develop its own regional base. This resulted in my having a struggle with the executive director, a very strong personality and really the founder of the ideology and philosophy of this organization, Rabbi Elmer Berger.

Berger was a brilliant man but a very difficult man to get along with personally. Well, not personally but to work for. He was an office tyrant. He was very disappointed that things weren't going better and always wanting to hear more typewriters clicking and more steam coming out of the generators and stuff like that. Sort of a Captain Ahab [Laughter] in his pursuit of the goals of this organization. But a truly brilliant man. I just admired the clarity and precision and power of his prose. He wrote well about the subject and could tear opposing arguments apart. His logic was fabulous.

- HICKE What kind of formative influence would you say this period had on you?
- MARGOLIS Important My ability as an organization executive or as a writer or as an organizer was really honed in this organization Aside from Elmer Berger, there was the assistant director who was the operations chief of the national organization He had been midwestern regional director in Chicago and he had come to New York
- HICKE Do you recall his name?
- MARGOLIS Yes Victor Raphals Another brilliant guy and totally different from Berger He would read proof on everything I wrote all the letters A lot of the work was done by mail through reports and letters He would read these things and just tear me apart He was like an English professor with the language I mean, he was just very good at the language and he would tear my work to shreds, and I would get angry But I learned a great deal from him With him, I was sort of more of a peer and I could argue and fight But he was a very good teacher
- HICKE Who was this?
- MARGOLIS Raphals Whereas Berger was rather aloof and remote, and you didn't really argue with him You listened to his edicts and then you went away and smoldered, or you did some griping But you didn't really argue So with Raphals, it was hammer and tongs We'd take meals together a lot and visit each other's families and so on
- He was a very interesting fellow he had been an early Communist who had gone to the Soviet Union [Union of Soviet Socialist Republics] He migrated to the Soviet Union in the twenties Then, disillusioned with it, he came back He never became a vociferous anti Communist, but he knew the shortcomings and he could take apart anybody who was trying to promote or advocate the Communist line But he didn't, like a lot of people who were disillusioned, turn vehemently anti

Communist, and a lot of people I knew were of that variety. He didn't go in that direction, but he was very, very smart, knew the philosophy intimately, and knew the shortcomings of the movement. Quite a teacher. I learned a great deal. He was a hard taskmaster but a very good teacher. Both of those guys taught me an enormous amount.

I got into this fight over the location of the office. I decided that the only way I could get parity with the other regional directors and be treated comparably and have my work regarded on the same basis was to get the office out of New York. I succeeded in getting it moved to Washington [D C] over the objections of Elmer Berger. The board took a vote on it and voted for me. I moved the office to Washington, D C. It wasn't to have the office in Washington so much as to make Washington the regional headquarters. It was still a regional office, it wasn't an office related to the national government, although I did some errands of that kind. That was an interesting additional facet to the job.

But it enabled me to conduct the regional office independently, and as a consequence, everything that I predicted happened, that is to say, my work began to be regarded in favorable terms. I wasn't the scapegoat for all the dissatisfactions with all the other regional offices, because I was at hand and could be kicked around and blamed for everything they didn't do properly. The amount of the work was more apparent because copies of it would come in in stacks. Compared to the other regional offices, my stacks were like this [Gesture] and theirs was down there.

HICKE

Your right hand indicating the other offices is up about four inches, and your left hand indicating your office is up about one foot.

MARGOLIS

Right. So then I began to have very good relations with the staff of the national office, and whenever we had annual staff meetings, they would hold up my work as the example for all the other regional directors. So I got along much, much better and enjoyed

the work much more. However, I could see the sort of dead endedness of this, because of the continuously declining numbers who would adhere to this point of view and support it. It was becoming extremely difficult because the media, the organizations, the condition of events in the Middle East everything was driving people away from the point of view of this organization. So there was the lack of gratification, born of success, connected with it.

Secondly, I was yearning to get back to California and into more mainstream politics and was missing it. I had kept in touch through the years. I was in the east seven years, but every summer I would come out for vacation and revisit all the people I knew. By this time, my brother in law, [Daniel] Dan Luevano, was working for Jesse Unruh as a staff assistant on the assembly Ways and Means Committee.

HICKE

Can I interrupt for a minute, before you move back to California. You were in Washington about three years then?

MARGOLIS

Three years, yes.

[I'm reminded of the story, I think it is about Daniel Webster, who having finished the first draft of his autobiography, gave the manuscript to his wife and asked for her comments. She replied, It's very interesting, but what a shame you never married.

In fact, I married while I was in New York. On June 17, 1956, Selma Portugal, of the Bronx and I were married. She worked, until then, as the receptionist and switchboard (telephone) operator at the American Council for Judaism. When we met she was eighteen years old and I was thirty one. After a stormy courtship of about a year, and after conquering her parents' objections to the marriage because of the difference in our respective ages, we were married. Selma's parents, Aaron and Adele Portugal, gave us the wedding which took place in a catering chapel on the Grand Concourse in the Bronx. It was presided over by three rabbis, more in order not to hurt the feelings of the rabbis.

who were on the staff of the A C J than to reflect doctrinal differences (although there was a little of that, too)

Our honeymoon consisted of a flying trip basically to California, but with a stop in Washington, D C on the way there and stops in Dallas, Texas, New Orleans, Louisiana, and Atlanta, Georgia on the way back to New York My sister, Shirley [Luevano] was living with her family in Berkeley We visited them, spent some time in Carmel, took the Highway #1 drive down the coast and spent a couple of weeks in Los Angeles where I showed Selma off to all my friends So much for Mrs Webster!]

HICKE Were there any other political activities you were involved in there other than your job?

MARGOLIS Not really I was a Democrat and kind of a [Adlai] Stevensonian Democrat, following events that way I wasn't a big enthusiast I mean, I didn't come at the matter as an enthusiast of [President John F] Jack Kennedy, although I didn't have anything against him particularly I was just more of a Stevenson Democrat That all changed under Jesse's tutelage when I got out here, because he was a very strong Kennedy man and very much opposed to the Stevensonian influence in the party and the sort of mushy headed liberals that Stevenson activated Let me think

HICKE I interrupted you when you were telling me about your brother in law

MARGOLIS Oh, yes He was working for Jesse at the time The link, however, was Marvin Holen Marvin Holen was a classmate of mine at UCLA He lived in Inglewood, therefore he knew Jesse as a neighbor, but attended UCLA as I did, whereas Jesse was a student at USC Marv was also a link between the UCLA contingent and the USC contingent that organized the Democratic Guild

* Mr Margolis added the preceding bracketed material during his review of the draft transcript

HICKE You mentioned him before, he was the one, when Jesse first contacted you, when you were in L A

MARGOLIS That s right He might have been, he probably would have been, yes He played an even more important role in that he was on the legislative staff When Jesse started to rise in the legislature In about 1957 he became chairman of the Finance and Insurance Committee That was the first position in which he was entitled to have a full time staff member of his choosing That was Marvin Holen

Holen worked in Sacramento for about two years, went to law school, went to McGeorge [Law School], I believe, and got a law degree He was the fellow who did the major work on the Unruh Civil Rights Act¹ and the Unruh Retail Sales Installment Credit Act² Those were two landmark pieces of legislation in the late fifties and early sixties that Jesse authored

HICKE I think it was 59 Let s see, I ve got a list here I think it was 59 Nineteen fifty nine was the Unruh Civil Rights Act, and the Retail Sales Installment Credit Act? That was 1959 That was the first civil rights act that prohibited discrimination for race, color, creed

MARGOLIS In places of public accommodation, right

HICKE And there was another one that prohibits age discrimination, and you re talking about the first two

MARGOLIS Yes (I worked on the age discrimination legislation)

HICKE So you were saying that Mr Holen worked on that

MARGOLIS Right When Marv Holen left, he recruited Dan Luevano We were all in the same group at college Dan was a UCLA graduate of a year or two earlier than I and married my sister after the war So when Jesse went from the Finance and Insurance Committee chairmanship to the Ways and Means Committee chairmanship in about 1958, Dan Luevano was his staff consultant there was only

1 A B 594, 1959 Reg Sess , Cal Stat , ch 1866

2 A B 500, 1959 Reg Sess , Cal Stat , ch 201

one principal staffer a professional consultant they called it plus an intern, and a secretary That was the Ways and Means Committee staff in 1960 But it had at its disposal the use of the legislative analyst's office for the budget analysis It also analyzes the financial implications of other bills The analyst's office would detail people to work with the Ways and Means Committee So it was, in a sense, the technical staff while the consultant was the manager of the flow of legislation, the scheduling of hearings and witnesses That's the way the system worked

HICKE Would the committee request somebody from the legislative analyst's office, or did they just sort of automatically send somebody over?

MARGOLIS Well, it was usually a chief deputy analyst who was in charge of the budget, and that's who would be assigned to the Ways and Means Committee as a regular thing He would attend all Ways and Means Committee hearings and would provide the expertise on finance legislation

Now Dan Luevano was there just a year, or even a little under a year, when he was offered the position by [Governor Edmund G] Pat Brown [Sr] as chief deputy of the Department of Finance That created an opening on the staff in the late summer of 1960 Marv Holen and Dan Luevano got in touch with me Jesse's attitude was, you can always leave as long as you find and train your replacement That was a principle of the Communist party at one time, concerning moving from one cell to another

HICKE Oh, was it?

MARGOLIS Yes At least a practice, I know I said principle I was never a Communist, but I knew a lot of people who were in and out of the movement Jesse came within an ace of being recruited He was contacted and he actually filled out a membership application form

HICKE When was this?

MARGOLIS When he was a student at USC in about 1946. He filled out an application, but they didn't process it. Whoever [had it] just lost it and never collected his dues. I think the dues were fifty cents a month or something like that.

HICKE He didn't get on the books?

MARGOLIS He didn't get on the books, right. [Laughter] And his attitude veered soon after that. He began to have differences. Unruh had discipline of a different variety that would have deterred him from being a member anyway.

So Marv Holen and Dan Luevano called me in Washington and asked me if I'd be interested in this place, because Dan's appointment was imminent and he had to move. Jesse wanted to get the thing filled right away.

[End Tape 3, Side A]

[Begin Tape 3, Side B]

MARGOLIS So this is when Dan Luévano and Marv Holen called to see if I was interested in filling the vacancy that Dan was leaving on the Ways and Means Committee staff working for Jesse. It was the late summer of 1960, Jack Kennedy was by then the Democratic nominee for president. Jesse Unruh was managing his southern California campaign and was fully occupied with that, not able to pay any attention to the Ways and Means Committee. It was an interim period for the legislature then. The legislative interim occupied at least six months of the year. Legislation that didn't make it through the process would often be sent to interim study, and the committee, during the interim, would hold hearings and commission or conduct studies. This meager staff of the Ways and Means Committee, with the aid of the analyst's office, or with the aid of an outside contractor, would tackle a dozen or so studies during a typical interim.

HICKE So the staff stayed in their offices and worked?

MARGOLIS In Sacramento Oh, yes, there was total separation between legislative staff and any political activity, or election related political activity, any campaigning In fact, the culture of the time was that it was total anathema, there was to be no connection between legislative staff and political campaigns The closest approximation to campaign work was district mail Sometimes the people who worked in his campaign would contact the legislator, and they wanted some information The staff might write them a letter explaining the issue That was as close as you could ever come to direct electioneering

So as I say, they contacted me and I was yearning to come back at the time, but because I had been having so much success in the job I was doing in Washington for the American Council for Judaism, I was due to get an increase in salary My recollection is that they were paying me \$7,500 a year and they were going to increase it to \$10,000 The job here paid \$7,200, and that deterred me a little It slowed me down, because not only would I not get this raise that I had worked so hard to get for such a long time, but I would have to take a reduction in the salary I was already getting And they were not going to pay the cost of moving me, either, the state government never does I said, therefore, I would think about the offer over the weekend

As the weekend wore on, I got more and more concerned that they would give the job to somebody else I was just desperate to come back by that time, really eager to Getting that job was sort of like hitting an inside straight, I mean, you're right in the middle of mainstream political stuff that was exciting and interesting The Democrats had just taken over in Sacramento with Pat Brown's election in 1958 to add to the majorities in the legislature

HICKE The ending of cross filing was in 1958?

MARGOLIS It was a little earlier, I think On Monday I called and the job was still open, so I accepted it, and I came out It was September, and my wife, Selma, and I packed everything up, shipped it out, sent it

to storage in Sacramento because we didn't have a place to move into, and we drove across the country. We made some stops along the way, like Yellowstone National Park, and I remember the first snow of the season was falling in Yellowstone when we arrived there.

My sister and brother-in-law were here, obviously, Dan was by then ensconced as chief deputy director of [the Department of] Finance. Hale Champion was director of the Department of Finance at the time. Shirley and Dan were living just exactly a block from here at 1420 O Street, that gray apartment building that's still there and the one which the legislators who later occupied it for a period of time, single legislators lived there. Used to call 1420 Nothing Street. [Laughter] So they were living there, and Lee and [Elizabeth] Liz Nichols had an apartment there, and by this time they had two of their five children and Shirley and Dan had one of their two children. We moved in with them till we could find an apartment or a place of our own. So we lived with them for about a month, I think it was, while I got read into the Ways and Means Committee business. We rented a house out in the Land Park area. A couple years later we bought a house a little farther out South Land Park. We were here from that September in 1960 to August of 1966, our three children were born during that time.

In the Ways and Means Committee, what I found was that there had been a lot of subjects sent to interim study, but since Dan was leaving the committee, a lot of that work hadn't gotten started. Here it was September and the interim ends in December. Reports had to be made to the legislature by the fifth day of January. So I dug in and started organizing some interim studies, and I commissioned some outside contractors.

There was an outside commission that had already been initiated and this was to study the problem of special funding and the effect it had on the legislative control of the budget. Under

MARGOLIS investigation was the system of creating fund entities that would receive income committed to some particular purpose. More and more special funds were being created: all the money collected for this license or that fee or that special tax would go into a special fund that would be used only for a designated purpose. This results in cutting up the budget and making the business of prioritizing expenditures very difficult.

Louis Kroeger was a Berkeley consultant on finance matters and had an independent consulting business. He was hired to conduct the study. At the end of that year, we issued a report: it was our report, but it was his expertise, and it led to one of Jesse's early on big legislative battles that he lost: that was one of his good government deals that didn't go anywhere. It was aimed at abolishing a great number of special funds in the state budget and would put the money in the general fund where the Ways and Means Committee and the budget process would exercise control over all these funds.

The funds would come in to the special fund and they'd be spent out of it. They would appear as a line item in the budget. But anytime anybody would question an expenditure of these funds, the advocates would say, 'Well, this is paid for by special funds, so you don't need to be concerned about it.' Well, the question is, was it a tax or wasn't it a tax? The police power of the state was used to collect it, but there was no oversight of how it was spent. So some of these agencies that were funded by special funds were living a plush existence as against other agencies supported by the general fund that were living bare bones existences. So this became a big challenge.

HICKE Is this what we're going to get into if we go into user fees rather than taxes?

MARGOLIS Well, yes, sure. Users' fees lead you almost automatically to special fund arrangements. The reason the tax is collected in the form of a user fee is that the user paying the fee is getting the

benefit of the program financed by it. You can do the same thing through the general fund if you have a commitment to restrict spending the money that way. You simply appropriate it that way. But the theory of special funding is that you don't trust the legislature and you want to make sure that the money is appropriated that way. So you appropriate it in advance and in perpetuity, rather than submitting it to annual or biennial budgeting.

Well, the resulting fight was a lesson in legislative politics that stood us in good stead later. We attempted to abolish twenty-six special funds, which was only a mere drop in the bucket of the number there were. My recollection is that there were two hundred or so of them. It was a big number and twenty-six was only the tip of the iceberg.

At the next session, Jesse authored twenty-six bills to abolish all twenty-six funds, as a package. Every one of these special funds had a little constituency. By doing it this way we succeeded in adding all twenty-six of those constituencies together, since they were all threatened simultaneously and equally. They all joined together in the defense against the legislation, and they created a pretty powerful political force. So that didn't work. We backed off and took on some of the weaker ones and we got a few of them, seven or eight abolished, but we lost the fight on the bulk of them. Was there an issue of the fact that this was going to accrue to the power of the chairman of the Ways and Means Committee?

HICKE

MARGOLIS

That kind of argument was made, but it didn't carry a lot of water then. Yes, that argument would be used anytime Jesse did anything, but at that time the argument was based more on the grounds that the people who paid this fee were entitled to be protected against the use of it for other purposes.

HICKE

Did anybody ever try again on that issue?

MARGOLIS

Not to my knowledge.

HICKE

So it's the same as it

MARGOLIS Oh, yes. But that was a noble fight which we lost massively. There were some political sensitivities among some of the groups that were supporters of one or another of the funds. Their feelings were injured. But I don't think it created a notable political loss for Unruh. It was a political embattlement for the time, and we learned a good deal from it, and Unruh gained at least as much from the ostensible commitment to "good government" as he may have lost. And we did learn from it.

HICKE I was going to ask you that next: what you learned from it.

MARGOLIS We learned that you don't take everybody on at once; you do it one at a time if you're going to do it. As it is, they'll suspect you and they'll try to get the others to join their defense. But if the others are not immediately threatened, then they usually don't. But if they're directly threatened, then they're going to join together against you. So you don't do that.

HICKE Before we move on, let me back up just a minute and ask you from your own personal viewpoint, what did it feel like and what did you do on the first day you walked into your job in Sacramento?

MARGOLIS Well, there were a number of things about that. I was, frankly, bewildered. I didn't know where anything was, I didn't know what the style and custom was. There was a secretary on the committee who was a strong personality, veteran hand, den mother type.

HICKE Who was this?

MARGOLIS It's [Joseph] Joe Cerrell's mother, Marian Cerrell. And there was an intern by the name of [Lawrence] Larry Fisher, who is now vice president of Braun & Co. in Los Angeles. One intern was moving out, his name was [Richard] Dick Day. I just saw him the other day for the first time in twenty years. He was from Berkeley. I came into the office as he was packing to leave. He'd taken some pictures or posters off of the wall which he was packing and I asked him if those were his pictures or the committee's. They were the committee's, and one of my first acts as consultant of the Ways and Means Committee was I made him unpack them. [Laughter]

HICKE [Laughter] That's interesting, I guess I probably would have just assumed they were his and not even thought anything about it. But you had already been in enough political organizations, I guess, to know.

MARGOLIS A more telling experience was this. Remember that when I arrived Jesse was in Los Angeles. I talked to him on the phone and he welcomed me and told me, "There's a lot of stuff going on there, with the interim studies, the mail, requests that come in. Just try to deal with them the best way you can. I'm going to be tied up down here," and so on. I don't think I saw him until after the election, which was. Let's see, I started September 22, so it was the whole month of October and a week or two of November.

HICKE So you were just thrown in the water to see if you could swim or not.

MARGOLIS Yes. Now I guess he may have come up once before the election. Yes. This could have happened either before or after the election. But what happened was, I found a lot of mail. There were constituent letters, and they weren't just from his district, although the preponderance was from his district. And they were people who were writing about bills that he had authored, the Civil Rights Act, the Retail Sales Installment Credit Act, or studies of legislation pending in the committee, about the Democratic party, or about public statements he had made. Whatever he would say was starting to get reported widely. Some letters were about the Jack Kennedy campaign.

I asked him on the phone what he wanted me to do about the mail, and he said, "Well, write some answers. You'll get some help from the analyst's office on the Ways and Means legislation, or 'Talk to Marian, she knows about a lot of the stuff, and so on. So I started reading the legislation. I dove into the middle of things. But mind you, I had the help of the fact that I was living there in the apartment with Dan, and he had a year's worth of experience, or we could call Marv Holen on the phone, or Lee Nichols, who

was an interesting type. He and Marv Holen and I had had some classes together at UCLA. We would discuss these matters for hours.

Nichols was a little younger than we, but he was in some of the same classes that we were in. So we knew each other. Nichols was the sort of person who had a wide knowledge of a lot of things. He was constantly in touch with what was going on. On the weak side of it, he was sort of a quid nunc specialist and a big gossip, but it was all current gossip related to the legislature and legislative politics. So it was very handy to have those people around.

But the point I was making is that living there in the apartment, we would sit up after dinner and we'd talk for three, four hours just about everything that came across the desk. Lee Nichols was working in the press unit in the governor's office at the time and Luevano was in the Department of Finance, and having been in the position I was in. And sometimes we would invite somebody else in, and we'd just talk, talk, talk, talk, talk. I mean, it was like the government was being invented. We'd just talk all night long about "What do you think of this?" and "What's happening on this?" and "We got a letter about so and so, and I don't know what the devil to think of it," and "Well, the background on it is this, and so on. It was like intensive graduate school while we were getting into it.

So I started writing letters. Well, there were lots of letters, and so a stack like this accumulated [Gestures], I wrote them for Jesse's signature.

HICKE

You're showing about eight inches there.

MARGOLIS

Right. So we have a big stack of letters. Jesse shows up one day, and all he's got is about a half hour because he's going to go to lunch with somebody and then he's going to take a plane back to Los Angeles. That's always the way it was around him. He always had three or four other places to be and only had a few minutes.

HICKE

Sounds like a whirlwind.

- MARGOLIS Yes So Marian took this stack of letters I d written in to him He said, "Come on in and talk to me while I sign these So I came in and he said, "How are things going?" In the meantime, he takes a letter, glances at it, signs his name, puts it over here, and half the time he s looking at me while he s signing his name and putting the letter over here So he s asking me how are things going and what happened to such and such and so on I m telling him, and then I m sitting there looking at him doing this, and I m appalled, and I say, Jesse, you re not reading them ' And he says, 'No Should I?" And I said, Well, yes ' He says, "Well, if I don t trust you to write them I shouldn t have hired you " And he didn t look at them he just signed them and passed them on
- HICKE One of the things that I ve read is that he always trusted you implicitly throughout your career, and apparently he started off right away
- MARGOLIS Yes That was my first experience of it, and it just blew me away I think in retrospect that he was really teaching me a lesson, which is that you d better take responsibility for those things, because I m not going to look at them I trust you to do it, but you d better do it right '
- HICKE You ll also get the blame if they re not right ?
- MARGOLIS That s right On the one hand, it sort of fills you with enthusiasm and pride to think that you have that much control, but on the other hand, it saddles you with a host of responsibilities, and then you start really to think, Do I know enough to say this?" and Hadn t I better be a little careful about this?' and Shouldn t I check this before I say it? and so on
- HICKE Did he normally delegate responsibility like that?
- MARGOLIS You bet Maybe too much Well, it s hard to say what s too much It depends on how much he has to fit into how much time But he never had the fault of not delegating He would do something else, however He had hundreds of sources of information One of the main interesting things about Jesse was that he was constantly in

touch on a lot of different fronts. He was totally immersed in what he did. It was not that he would do it and then escape and relax in isolation or take a break or anything like that.

HICKE

Go fishing?

MARGOLIS

No, ma'am. He was in it all the time, 100 percent of the time, and it's what he loved, it's what he did, it's what he enjoyed, and he didn't enjoy doing anything else as much. So all day long he was talking to people on the phone, people would come into the office to see him, he was reading the newspapers, reading reports, reading things. All night long he was out in the bars, he would be seeing the members, taking some of them with him, seeing others, running into others, running into people who were advocates of various things, and pumping them all the time. Just absorbing from them.

He had all these other sources of information. So if you would tell him something, he would say, Well, I want you to take care of that. But you learned that you were delegated that responsibility, but at the same time he was getting a reading on it from the person whom you were sending it to or writing to, because he was going to see him before you do. He knew all the other sides of it, and if you did something wrong, he would let you know that he knew that.

HICKE

That's really interesting. So he did delegate it, but he was still on top of it.

MARGOLIS

He was still on top of it, right? The members were his main source of information. He was so close to them and so involved with them on all levels, I don't mean just on legislation. I mean on their personal lives, on their districts, on their philosophies and politics and their love affairs, and everything. He just knew every detail there was to know.

HICKE

Did he remember it all?

MARGOLIS

Oh, yes. He had this enormous capacity. The most remarkable thing about him was that he had gigantic capacities. His perceptions were sharp, his capacities to hold information, to

synthesize it, were really superhuman, I mean, they were bigger than normal life. And this is what he was really about. He just had this gigantic capacity. A lot of people misunderstood what he was about because they believed that he must have had some sort of mysterious hold on somebody to get them to do what he wanted them to do and that it must be nefarious because it didn't meet the eye. Yet what they were failing to understand was that he knew this fellow's problem better than this fellow knew it, and the guy trusted him knowing that. He would never mislead them. He would never say, "Look, I need your vote on this," and then not tell them, "but it would kill you in your district if you do it." He would say, "I would like to have your vote, but you can't afford it because it will kill you in your district."

HICKE

And he knew that without

MARGOLIS

He knew it. And the guy wouldn't know. I remember the time [Assemblyman Charles] Charlie Meyers begged him to let him vote for a bill that Jesse said was absolute death to Charlie Meyers in his district. Meyers said he couldn't stand not to be with Jesse. Emotionally, he couldn't take it and that he wanted to vote for him. Jesse kept taking him off the roll and saying, "Don't do it, Charlie. First of all, we don't need your vote, and secondly it's bad for you to do it. Even if we needed it, I wouldn't ask you to do it." Charlie couldn't stand it. He wanted to vote with Jesse.

HICKE

That's a wonderful anecdote.

MARGOLIS

People just couldn't believe that that was true, so they figured he must have broken their arms, he must have promised them something, he must have extracted something to get them to do that. And it very often wasn't true. He had a lot to do with their elections, but that was really more part and parcel of this whole array of relationships to them. It was not anything like the spirit or style that people assumed when they thought, "Well, gee, he must have taken them to the woodshed and really busted arms." It wasn't like that at all.

Anyway, one of my first experiences with Unruh was this letter writing business

HICKE What were some of the minority problems that he dealt with?
What about the fair housing bill?

MARGOLIS Well, there s an interesting bit of history connected with that The Rumford Act¹ was an effort by the minorities to put a state stamp of approval on a very specific detail of civil rights legislation An irony was that the courts were gradually applying the Unruh Civil Rights Act more and more broadly It started out applying to restaurants and hotels, places of public accommodation, but it was starting to be extended to other realms One of the areas was housing, it was starting to be applied to real estate I think Jesse s feeling was that

[End Tape 3, Side B]

[Begin Tape 4, Side A]

MARGOLIS We were talking about the Rumford Act and how it related to the Unruh Civil Rights Act His feeling was that if the legislature would leave matters alone, the courts would gradually apply his civil rights act to housing, and you would not get it all at once and you wouldn t get a backlash But if you pass the Rumford Act, there s the possibility of a backlash because it s too hard edged, specific, and happens all at once

However, the movement for civil rights in housing with the governor s support was too strong, and so Jesse felt that he couldn t afford not be with it It was not inconsistent with his views He thought there should be antidiscrimination legislation in housing, he just thought it may be politically unwise and bad timing, and that s not the right way to approach it But he went along with it and, in fact, he helped extract the Rumford Act from the senate There was a very serious matter one night late in the session in which it was enacted, which, I guess, was 1963

1 A B 1240, 1963 Reg Sess , Cal Stat , ch 1853, p 3823

The first sit in occurred in the rotunda of the Capitol when the Rumford Act was in the senate Governmental Efficiency and Economy [GE] Committee. The committee was called the "graveyard." Luther Gibson, the senator from Vallejo, was chairman of the committee. It was a notorious graveyard for assembly and liberal legislation, and he was giving it that treatment. Luther Gibson, I think, was himself in real estate and, as a matter of fact, his then aide was [Dugald] Doug Gillies, who became, when he left the legislative staff, the lobbyist for the California Real Estate Association, and married to a black woman, interestingly

But Gibson was killing the bill, and there was a sit in in the rotunda. The sit in was very offensive to the legislators, it was considered a violation of the deliberative process. But at the same time, Luther Gibson's behavior was a violation, in Jesse's view, of the legislative process too, killing a bill that had enough support to get out. So he withheld action in the assembly on senate legislation that night to force the senate GE Committee to release that bill, as well as other assembly legislation. That was an assembly bill, Rumford was in the assembly. So Jesse was very instrumental in getting the bill out, even though he disagreed with the politics or the timing. Then, as you know, later on, the Rumford Act was repealed by initiative. It did lead to the backlash. Proposition 14, which repealed it, was in 1964, I think.¹ Now you had a reason for turning to that list. Was there other legislation you wanted to talk about?

HICKE: Those were just the things that I had that had happened right before you came, and I thought you might have had mail or something to deal with during that interim with some of those issues. Probably you did, but maybe nothing stands out.

MARGOLIS: That's true. I know there were just thousands of letters. We were answering letters all the time. I'd say that answering mail at the

1 Proposition 14 (November 3, 1964)

beginning was about 25 percent of the job. The other part was managing those interim studies.

This is a small but interesting matter. One of the pieces of legislation sent to interim study was by an assemblyman named Frank [P.] Belotti, who represented the northwest corner of the state, ten counties or so in the northwest, from the Oregon border almost down to the Bay Area. He had a bill to do something about abating the flooding of Lake Earl. Well, Lake Earl is a tiny lake that sits just south of the Oregon border. I'd never been up there but I saw this piece of legislation. Legislation was often assigned to interim study as a gentle way of killing it, not with any serious intent of studying it. And this was probably such a bill. But I thought it would be an opportunity to do a couple of things. The political weight of the state was shifting south.

HICKE

That's something we want to talk about, when reapportionment came about.

MARGOLIS

Put that aside. There was a certain amount of shifting. The weight of population certainly had shifted to southern California. Jesse was prominently a southern Californian. Northern California was losing its grip on the politics of the state. I thought it would be nice if a southern California chairman would show interest in a little lake way up in northern California as part of the business of binding the state together. In addition to that, Frank Belotti was a liberal Republican. When Jesse became speaker, he had made him a chairman of some committee. Active interest in his Lake Earl bill would help make him an ally.

So we scheduled a hearing of these mostly southern California legislators up in Lake Earl, and they looked at the problem, saw it, and Frank Belotti was just absolutely tickled to death. Jesse was tickled. It was a stroke. It didn't cost them that much to take half a day to go up there and to see the problem. Jesse got off one of his best quotes in the newspapers. When they took a side trip to see the pollution from lumbering of the Klamath River and they were

showing all the bark that was floating down the river because of the use of the river as the means of transporting the logs, Jesse looked at the river and he said, "Hell, we breathe bigger stuff than that in Los Angeles [Laughter]

For years, Frank Belotti was very pleased at the notion that we had had a Ways and Means Committee hearing at Lake Earl. As it turned out, I didn't go to the hearing. I had a conflict with another activity, and the intern covered the hearing. I was busy on something else and I didn't go up there. But I would have loved to have, although I wasn't then the fisherman that I am now.

But there was that whole batch of interim studies to deal with, and I learned a great deal about the problems of state government digging into them and trying to figure out how we were going to get out with our skins on by the beginning of the next year with only three months to go. We got them covered one way or the other and managed, and I got read into the legislative process.

The letter writing experience was only one. Later on, in the next session and the ones following, Jesse had me present legislation to committees for him, such as legislation that he wasn't that interested in or he didn't care that much about. It was "good government" stuff, but if it didn't go, it was certainly no skin off his nose. In doing that a couple of times, I learned some other important lessons.

We were sponsoring legislation to abolish what appeared to be an abuse. State employees who were members of the National Guard would do a two week training encampment during the summer, as they still do. They would not only get their state pay but they would get a stipend for attending the training session. So they were given two weeks off not their vacation with pay, plus the stipend that the National Guard paid them out of its budget, for taking part in the training. We thought that wasn't fair. The practice of most industry was that the most generous employers would make up the loss, the difference between the

MARGOLIS stipend and their regular pay, but not pay them both. So we were proposing the state do that too as an economy measure. It amounted to maybe \$350,000. It was not a big thing. So we introduced that bill. Jesse authored it. It was referred to the Veterans Affairs Committee for consideration.

Well, the National Guard turned out all its veterans in full uniform, on crutches and in wheelchairs and with every conceivable kind of disability, to show up for this hearing. The chairman of the committee was [Assemblyman Walter W.] Walt Powers, a Sacramento legislator, and [Assemblywoman] Pauline [L.] Davis was on the committee. Pauline Davis was a tough cookie to deal with, and my lesson was at her hands.

I presented the bill. The National Guard made its patriotic case, flags all over the place, in this little hearing room, a big crowd. Jesse wasn't about to present the bill but sent me to do it, and I did. It being one of the first times that ever happened, if not the first time, I really had my ego into it. The bill lost on a split vote, and Pauline Davis was the deciding vote. Pauline Davis called the group that she aligned herself with "the economy bloc," and they had the reputation of being bulldogs on finding economies in state government. They were conservative Democrats and Republicans, for the most part.

Losing the bill was a great disappointment to me. Everybody was filing out of the room, so I walked past the dais and I said, "Pauline, I thought you were for economy in government." Then I turned and started to leave. She stood up and said, 'Listen here, you,' and she pointed her finger at me. She had a loud voice, and everybody stopped and turned to watch this. She said, "Listen here, you. Nobody elected you to anything. You have no right talking to a member of the assembly that way." She was absolutely right, and I bit my tongue, apologized, and left. She taught me a good deal about how staff relates to legislators.

HICKE That's learning the hard way.

MARGOLIS It is their decision, however arrived at
HICKE 'Ours is not to question why
MARGOLIS I m entitled to my opinion of it, but I m not entitled to go around pretending that my opinion holds more water than hers in a public forum I can think whatever I want to think about it, but it s her decision, not mine

HICKE Did you ever find out why she wasn t for this economy?
MARGOLIS I think it was clear They re a well organized minority and they got to have their way They were more important to her than this particular good government issue There was no particular constituency in favor except if you wanted to do the right thing and save money

Some years later, I had another major to do with her, and my experience with her stood me in good stead I learned to be careful about her I think it was in 1965, and you have documentation that can confirm the time Jesse was in the hospital at the height of a session in which, under my goading and others , he was carrying a major legislative load ¹

HICKE Was this when he had
MARGOLIS Phlebitis He was in UCSF [University of California at San Francisco] Hospital in San Francisco Out of respect and consideration for him, I was given the privileges of the floor by the members It was late in the session A lot of his bills were up They were often bills requiring two thirds votes So I was given the privilege of presenting his legislation Ordinarily, other members would do this, but a lot of this legislation was fairly complex, and other members weren t familiar with it and I was, so I would get to do this I don t know that anybody ever was given that privilege before or since

HICKE Was that because Jesse Unruh asked you to do it, or was it some
MARGOLIS It was out of respect for him

1 1965 is correct date

HICKE

MARGOLIS

The assembly accepted this

Oh, yes. It couldn't be done without the approval of the assembly. He could want it to be done, and they could have balked. But it was out of respect for him that they permitted me to do this. I was regarded as knowing as much about the legislation as he did. So his absence wouldn't result in a wipeout of his legislation.

There were two big bills which symbolized our fight with the CDC, they were internal Democratic party matters. I'm not sure over which of the two this particular event happened. It could have been either one, because they had very similar effects, the same people on either side. One of them would have abolished the inheritance tax appraisers. Alan Cranston had been state controller, and he had all these inheritance tax appraisers who were CDC regional directors. This is sort of how they got paid. So this was one of the big patronage elements still left in the state government. They get paid a percentage of the settlement of estates, and it's a fairly lucrative piece of business. So Alan Cranston had appointed all these CDC directors, because he had been president of the CDC and state controller, and he appointed them as inheritance tax appraisers. So we were proposing to abolish that bit of patronage. One bill did that. Another bill would have prohibited a party organization like the CDC from using the Democratic party in its name and endorsing in the primary. There's a battle that goes on continuously. There was a court decision just yesterday on that issue.

I think it was that latter bill but I'm not sure, it could have been either one. Both of them were aimed at the CDC and they both took a two-thirds vote, so it was tough going. The Republicans were willing to go along with us, but the Democrats were deeply divided. The Ways and Means Committee had a night hearing, last day to hear assembly bills in an assembly committee before deadline, so we had to get the bill. That's where the bill was, it was in the Ways and Means Committee. [Assemblyman

Robert W] Bob Crown was chairman, Pauline Davis was a member of the Ways and Means Committee. We get to the night hearing, and everybody knows the drama, and the place is absolutely jammed. It's Room 4202, which is the Ways and Means Committee Hearing Room, the big one on the third floor with the balcony, it's the biggest hearing room in the Capitol. So it was full of people and media, including television cameras.

It is an 8:00 p.m. hearing. Crown was always alert to what was happening in his committee. He counted committee votes on everything and knew exactly where everybody stood. We were waiting for the last couple of members to arrive when he motioned to me to come up to the dais. I came up behind the rostrum and talked to him. He said, 'We don't have the votes to get Jesse's bill out.' I said, 'How bad is it?' He said, 'I think it's a tie with me voting for it, which doesn't get the bill out of committee.' So I asked him who was where, and he said, 'The only one I don't know for sure is Pauline Davis, and she isn't here yet.' So I said, 'Don't start the meeting until I have a chance to talk to her.' So then I crept out. There was a doorway into the back of the dais of that hearing room. While I was coming out, she was coming in a different doorway. She stood up at her seat and said, 'Mr Chairman, I want to announce in advance that I'm voting no on A.B. 2922,' which I think was the number of the bill. 'Just to make matters clear, I intend to vote 'no'.

Mind you, the hearing hadn't even started. The meeting hadn't officially started, and a gasp went up in the place, because everybody knew everything of what was going on. I was in a front row seat, and I got up and I walked around the back. I went to the doorway which leads to a stairway that's right behind where Pauline was sitting. I asked her if she would come out and talk to me. Everybody could see me walk out of the room, they knew what was going on.

So she came out, and we stood in this little hallway behind the hearing room, and I said, 'Pauline, Jesse is in the hospital. We can't kill a major bill of Jesse's in the Ways and Means Committee. It's just unheard of.' She starts in on me about, 'Jesse promised to give me so and so and he didn't.' She's just furious because she had asked him for extra postage because of the size of her district, and extra mileage and so on, and he hadn't done it. She went on and on and on about how Jesse didn't do this and he didn't do that and he didn't support me on this and he didn't support me on that."

Pauline, I said, 'I don't know about that stuff. All I know is that we have this bill and we need x number of votes to get it out and we need your vote.' I said it over and over again.

Finally, she started crying. She had promised people in her district. She was literally crying bitter tears and calling Jesse a dirty son of a bitch who promised all this stuff. I said, 'Pauline, I can't promise you anything. I don't have it to give you. I know that Jesse will do what he says he will do, and I'll make sure that he knows exactly how you feel about this. But we can't lose this vote.' Finally, with all of that, she agreed to go and announce the change of her vote.

But that wasn't the end of my problem. My problem was that as soon as that happens and I walk back in, everybody will want to know.

HICKE

What was the quid pro quo?

MARGOLIS

Yes. So I stood out there for a moment after she went in. I could hear her speaking and I could hear the gasp that went up in the room. I was thinking, what am I going to say when I get inside? So I open the door, and the first person out was Van Shunway, who was then the UPI [United Press International] capital bureau chief. He was later the publicity director of the committee to elect the president, the infamous committee to elect the president. Richard Nixon's campaign committee in 1972. He hit me and he said, 'Larry, what did you tell Pauline that got her to

change her vote? All the other press was standing around, and the television cameras and all I said, "Van, you know Pauline I didn't tell her anything, I just listened." And they bought it

HICKE

Perfect. Oh, that's excellent.

MARGOLIS

The only way I would have known to say that was having had that experience with her and knowing that you have to proceed very, very gingerly. Anything I would have said would have killed the deal forever and embarrassed her. So I said I just listened. They knew her well enough, and what a bitch and what a dynamite powerhouse she was, that that must have been the case. It was pretty true, also.

HICKE

We have about three things going here. We're talking about your beginning responsibilities. You've brought up, also, the year that you carried a lot of legislation, which I want more details about. You've also mentioned the fight with the CDC, which I would like to get the whole story on. Shall we go back to your responsibilities?

MARGOLIS

In the matter of neatness, we can finish up whatever I can say about my youthful introduction to matters. I think that I've conveyed something of the spirit of the times. I think people have to know that it was a totally different scene then than it is now or than it ever was before. Before, I think you'd have to say that it was sleepy, horse and buggy, archaic. The legislature wasn't that critically involved in things; decisions were made elsewhere. The [Arthur] Artie Samish era is very famous. Outside lobbyists control of the legislature. Executive control. I think the hallmark of the [Governor] Earl Warren years was that the governor controlled the legislature. It wasn't a match, it just wasn't. With the changeover in parties resulting from the loss of cross filing, with the newcomers, the pent up reservoir of legislation, the times in the country, the Kennedy era, all contributed to an environment in which people felt that everything was possible, that it was all opportunity. It was all new. There was a clean slate to write on.

And you could really have a powerful impact on the way people live, on the conditions of the state, of the community, of the world through politics and through legislation. It really was a new frontier. It was like it must have been, in those terms, to be at the frontier geographically, with all kinds of open land and opportunity.

Jack Burby wrote an editorial in the [Los Angeles] *LA Times* some years ago. Jack, in the period I'm describing, was the press secretary in Pat Brown's administration. He succeeded Hale Champion. He was assistant press secretary and succeeded Hale Champion as press secretary when Hale Champion became executive secretary. Then Hale Champion went on to be director of finance. Burby was up here, and I think it was in about 1982 or '83, somewhere in there, that he was talking about the differences, and he wrote this editorial when he went back.

He had come up for a USC Institute of Politics event, and he said that the main difference was that there was a sense of optimism in the sixties, and people were doing work that they believed would see the light of day—that is, doing work that would lead to changes in policy. They weren't writing for the dresser drawer, they were writing things into law. They had this dynamism, optimism, momentum, and belief that things were happening and that they were having an impact on them.

Now, in the time that he was writing, the difference was that people were working there but they didn't really believe that their work was going to make any difference, that it was going to have an effect, that it was going to result in anything, in any notable changes. That was the major change. I think that's a very good description of the comparative moods of the times.

HICKE

How do you account for the change?

MARGOLIS

Some of it was tied to the events of the times. I mentioned the change from, literally—Except for a four year period, the Republicans dominated the executive branch and most of the

legislative sessions from the start of the century The dam broke There was all this pent up policy thrust the Democrats were supporting You know, the social service benefits, the welfare state the positive

[End Tape 4, Side A]

[Begin Tape 4, Side B]

HICKE Positive proactive

MARGOLIS The belief that government makes a difference You can affect lives and society with government intervention This was a change in philosophy That whole dam broke There was all this legislation that had been attempted and postponed, and it broke through The Kennedy administration in Washington was moving that same way The sleepy [President Dwight D] Eisenhower years in which nothing was done except that all the problems that occurred in the sixties were in incubation and ferment were over So there was that newness and difference

There was another change going on, I think a more subtle one, and that is to say the control of legislation and of the legislature was moving from the outside to the inside There had been the economy bloc That was another economy bloc that Jesse was a part of when he first was elected in 1954 that fought Artie Samish and then ended up breaking Artie Samish s power That power was brought from outside the legislature to inside I think [Dr] Sherry [Babitch] Jeffe has written about the transfer of influence from outside the legislature to inside the legislature It doesn t mean that the private interests don t have any influence It just means that it s brokered on the inside rather than on the outside That made a difference

I think Jesse Unruh s remarkable personality made a difference He was one of the really stellar personalities in the politics of this century On the one hand, he had the political strength to be able to make things happen Accompanied with that

was the willingness to use some of that to fulfill his ideals, ideals of what government could do, of helping the underdog, of distributing the resources more equitably in society. Those were his commitments, those were his beliefs born out of his background. He had this powerful ability to influence events, and he affected the style of things that were being done.

To some extent, the present era, the eighties, are at a disadvantage in that newness isn't newness anymore. I mean, a lot of that stuff was done. Some of it was done and found wanting. The fact that some things didn't work didn't affect the *belief* that they would work at the beginning. In retrospect, some of it didn't work, the programs weren't that effective. That's part of the current condition. The most important thing that changed, I think, was the growth of the cost of campaigning, which made single issue politics more salient. I'll explain how I mean that and tied up the political system in such a way that it was unable any longer to perform large miracles, large openings and new departures.

What drove the costs of campaigning were the development of the expensive media, the electronic media, particularly, the function of a hired gun campaign manager, and then the necessity to raise the funds to finance that kind of campaign. The media—all media, printed, electronic, or what have you—became more and more expensive as inflation and as the cost of technology grew. Accompanying that was the professionalism that it took to use those technologies and the way in which the hired gun's kind of professionalism also accelerated campaign costs. The professional campaign manager is in the position of telling the candidate what he must do to win, not where to get the money to do that. "You raise the money, I'll buy the media or spend the money for you." The pressure was more and more money, more and more media.

If the candidate were raising and spending the money, and judging what he has to give up to do it, he might reach some sort of

MARGOLIS equilibrium and say, OK, beyond that it isn't worth it.' But the manager is saying, What does it take to win and how much money is that? You want to win, you go get the money." The only place the candidate can get big money is from somebody who cares a lot about some particular issue. And that is usually a single interest, whether in the candidate's district or not. A special interest is willing to put up that kind of money in exchange for an absolute guarantee for its issue. If you get enough candidates and enough of those single issues, pretty soon you're at more than 100 percent. When you get to that, you have people who are willing to tear the whole system apart, who are unconcerned about whether the whole system breaks apart as long as they get their issue, as long as they get gun control, as long as they get abortion or anti-abortion. It doesn't make a difference which side of an issue if there's a big enough moneyed interest behind it. As long as they can sell tobacco or whatever.

HICKE One legislator told me that, in effect, this exact sort of thing prevents the legislature from solving any needed problems. Therefore, that's why everything's going to the initiative today.

MARGOLIS That's exactly right. That's what has given rise to the feeling of lethargy, that it doesn't make any difference what you're working on, it's not going to go anywhere. It's going to be sold to get enough money to win the next election. So they are imprisoned.

I talked to a fellow yesterday, one of the better staffers over there. He staffs about three joint committees and he has a national reputation in his field. He's being undercut by the political staff that has been put on to win elections. They are using up the payroll of those committees and he can't get the work done on the legislation. Now one of the other members of the committee has said, "I've got to find a position on the staff of this committee, because my party is going to attack me in the next election and I need to have a staffer."

My friend says, "We're not getting any legislation processed. It's all been sold in advance. The staff is just riddled with campaign people who don't give a damn about the government or solving problems or anything like that. My reputation is being ruined. I won't be able to go anywhere with any credibility if I don't get out of here." That's the story. The entire thing has been totally sold to get reelected. Now it's not the fault of the present incumbents that things got that way, it's only their willingness to tolerate it and their belief that it's essential to survive in it, which you can argue with or not. But they didn't invent it.

HICKE

Do you see any possible solution?

MARGOLIS

It'll be changed. Things do get changed. There will be some sort of a reform wave, an explosion of some kind. There will be a revelation that things are far worse than anybody had any idea they are, and somebody innovative will get the documentation to show it. So there will be a big explosion and there will be some sort of reform. There are reforms that could be made but they're not likely to. The reforms will be corrupted. I think we go through pendulum swings of reform and corruption, reform and corruption. The reforms will be corrupted, ultimately. I don't care what they are. But it'll take some time, and so there will be some period of time in which a few things can get done that need to be gotten done, and maybe somebody more inventive will come along and figure out a way to stall off the corruption longer, I don't know.

I think there's going to have to be public financing of campaigns, but I think that system will be corrupted, too. It may take ten years or fifteen years, in which case there will be some running room, some breathing room, and some other problems may get solved. But I don't think it will last. I don't think there is any such thing as permanent reform. What I've described represents a major difference between my period of work in the legislature and the present.

Talking to this fellow who told me he was going to have to get out of here made me think about all of this. I think one of the contributions that I was able to make was to protect and defend the staff of the legislature. It was a lot smaller than it is now, and I think it was, on the whole, pound for pound, better quality. Not that there aren't people equally competent now as then, but just by sheer weight of numbers, there was a higher concentration of quality in the smaller numbers of people.

HICKE

You also indicated that today it's diluted by people working on campaigns.

MARGOLIS

Yes, with all this other stuff. And time servers, people who don't care and just want to get by. But there were political pressures even then. Jesse, as I told you, was very responsive to the members, and the political pressures would come from the members. The notable thing about Jesse was that, while he was as much a part of all that as they were, he had the ability to say, 'When is enough enough?' or 'When is it too much?' or to resist the worst extremes. There were some big battles when the legislature was under his tutelage. He devoted a big chunk of his time to building the capacity of the legislature to manage its own affairs, to do its job effectively. He was the architect of all of that. To do that, he had to fight off members who were supporters of his who wanted to use their staff positions for campaign aides. There were many, many battles that we were in the middle of over that.

Jesse didn't want to be at odds with the members. His whole role in life was to be their champion, their leader, and their affectionately regarded leader. If I, or if people on the staff, would say, 'Look, if we do this, this is what's going to happen,' he was quick to see that. Sometimes he'd have to be reminded, but the notable thing was that he was willing, then, to respond and say,

OK, we're not going to do this, or 'We're going to tell [Assemblyman] Lester [A.] McMillan no, he can't make his secretary the committee consultant just because he's bedding her

down, and fight off the group that Lester McMillan was very close to who were key supporters of Jesse

It came down to a time when there was a battle. We were creating the consultant positions for all the major committees. Jesse called a meeting of the committee chairmen in San Francisco and said, 'Look, fellows, you're putting a lot of heat on me. I don't relish being at odds with you. You're my supporters. But we have a choice to make. If we want a legislature we can be proud of, then we have to restrain ourselves. If you don't support me in this, then I'm going to throw over the whole thing.' And they supported him. That's going to the mat. That's telling

them. Everybody knew Lester McMillan was threatening to support somebody else for speaker if he didn't get to name his secretary to a newly created consultant position for the committee he chaired. To be fair, she was a college graduate and rather an able woman, but his reason was not that. [Laughter] There were people with background experience in that particular field available, and she had none, except to have been the secretary of the committee.

HICKE

I suppose once somebody does that

MARGOLIS

Then the dam breaks. You have no way to stand off the others. He was willing to use some of his political muscle for building and protecting the institution. The way I viewed my job with regard to the legislative staff was to help find and channel competent people into the system, to protect them and let them work—that is, protect them against political pressures to distract them and to use them for other things—and when the going got tough, to go to the speaker and say that this is where the thing is breaking down and this is where we have to draw the line. The fact that I had the backing of such a person who would do that made it possible for me, too. I wouldn't have been able to do that on the strength of my own ability.

HICKE How did you go about doing this on a day by day basis? Did you tell people that you were interested in protecting them from other pressures?

MARGOLIS I stayed in touch with them. It was vital that the speaker's office knew what was going on in the committees and how they were faring. This was part of that graduate school milieu, that we were all talking to one another and interested in the legislation. How is this going to be handled when it gets to your committee? Do you have the resources to do it with? More often, it came the other way, where they would come to me and say, "I see a problem developing. We're working on legislation of this kind for these reasons, and the opposition is coming from here. When it gets to this stage, then these and these things are going to happen, and it's going to take some outside help to overcome that. Or, We're going to need the support of the speaker to do that." That's where I was the broker, and they would often come to me.

So it wasn't every day with Jesse. I'd monitor it, I'd work with it. I'd try to resolve it at the staff level. If it became a conflict, I'd try to talk to the member causing the problem. Most of the members knew that I had Jesse's backing and while they might resent the fact that I was talking to them instead of Jesse talking to them, they put up with it because they knew that whatever I said would be Jesse's view and that he'd back it up. Sometimes I could get it straightened out at that level.

Not that often but periodically, I would have to go to him and say, 'Look, things are breaking down at this stage and we're going to have to make a showing or we're running the risk of these and these things happening. I can't deal with it because he's not responding to me, and you're going to have to say something to him.' And he would.

HICKE I've had legislators from back in the thirties and forties say that they did an awfully lot by keeping in touch with each other, more or less in the manner you've been describing, only they talked to each

other directly. After the legislature became full time, there weren't these opportunities for communication, which then kind of broke down. So do you see that perhaps your function took over where that broke down?

MARGOLIS

No. That's not quite the way I'd put it. I know that problem well. In fact, I'm having lunch Monday with [former Speaker Robert T.] Bob Monagan, who is writing a book on this subject: the loss of the citizen legislator. He blames the staffing for having isolated the legislator. I think that's a one-sided view.

A couple of things have happened. I'm not saying that view is all wrong. I'm just saying I don't think it's all right. There's an inherent conflict in legislative bodies between the benefits of amateurism. I'm talking about amateurism in the best sense, the love of the thing one does nonprofessionally and does it sometimes better than professionals, versus the ignorance and inability of nonprofessionalism. Professionalism has benefits and detriments, amateurism has benefits and detriments. Professionalism has the benefit of knowledge, of awareness of what's happening in the field, of trained skill, commitment to a way of doing things, doing things in an orderly fashion and so on. It has the disadvantage of ivory tower isolation, of isolation from the steamy hurly burly of life as it's lived, of contact with the community.

Amateurism doesn't permit you to devote the time to legislating, because you have to make your living elsewhere. Or else you represent a very special slice of society and you can afford not to have to make a living, so you get a patricianism that operates. And that's really what those people are yearning for is a return to the patricians, the retired, well-to-do people or those who work in professions in which they can set aside the money grubbing for a period of time and devote their time and talents to public life and then go back to it seasonally.

Well, the problems of a modern industrial state don't lend themselves to that kind of treatment. They get thicker faster than

that style of treatment will permit, and so you have to have people who know what they're doing or you're going to lose the game. You're going to lose it to other interests. You're going to lose it to the lobbyists, you're going to lose it to other states, you're going to lose it to other countries. In fact, we are doing that quite a bit now anyway.

So what you have is a condition, and this is true in lots of different ways in life, in which your values are in conflict. You have the value of the legislator who is in touch with his community and knows and represents and responds to it, who is unfettered by the necessity of earning his living. You have the value of competence, trained ability to grapple with problems, full time capacity to devote energy and time to it. They're in conflict. You pay a price. Whichever way you go, you lose some things.

In the professionalized legislature you tend to get a kind of princely attitude where the common citizen can't approach the legislator. I mean, if I call up over there and I want to see one of these people I've known for twenty-five years, I have to go through three secretaries and explain what I want in advance. Half the time, I say, Forget it. I don't want to see him that badly. They're often like princes of the church; they're so isolated from the common people, the experience of ordinary existence, and they hobnob with people who can finance their campaigns, people who are heads of institutions. Intriguing stuff. Those are bad things, I'm fully aware of that.

So the question is, what do you do? Whenever you have values in conflict, the only thing you can do is optimize between them. You try to get the most you can of this with the least sacrifice of that, and you try to keep the job both competent and responsive. That's what attention should be focused on: what are the things that keep the legislator in touch with his constituents and not isolated from them but at the same time able to deal with the monsters who pollute the streams and the air: legislators who

MARGOLIS know enough to be able to overcome the arguments of the polluters? It takes careful doing it takes a lot of engineering It takes a lot of understanding and support from people who aren't in the legislature because it requires a delicate balance, it's like walking on eggshells

The problem is not going to be solved by a return to the horse and buggy legislature It's not going to be solved by total specialization and isolation We're paying the price now of having done that But Monagan, I think, is making a mistake if he thinks that that's going to restore what he's yearning for If you cut the pay, limit the sessions, cut the staff, all you're doing is hobbling one of the institutions in a tripartite system from being able to do its job

HICKE It sounds to me like you're saying that it is possible that what we're talking about here maybe is a change in leadership or lack thereof

MARGOLIS That's certainly a big part of it No matter how good a system you have, if you don't have competent people operating it, it won't work The question becomes, what incentives get what kind of people? These are extremely difficult engineering design, governmental design problems There are no guarantees A personality like Unruh comes along once in a century

Lest I forget to say this someplace else, he didn't stay that way I mean, the later years, Unruh was not the Unruh of the period we're talking about He changed a great deal after the 1970 gubernatorial campaign I wasn't aware of that when I came back here I learned it the hard way

HICKE OK I'll make a note and we'll put that off?

MARGOLIS Yes I think very serious problems arise from the professionalization of the legislature, but I also think serious problems resulted from the inability of amateurs to come to grips with the stated business This latter weakness is why the legislature was dominated from the outside

The growth in the cost of campaigning has upset the apple cart. If it had not become so expensive to win elections, then the system of staffing and professionalization might well have worked, and we could have addressed, then, the problems of isolation and how to correct them. But the cost is so high you can't even reach these issues. The high cost of campaigning and its consequences contributed to the isolation. That wasn't a consequence of professionalizing.

HICKE

That's true. That was a totally outside impact. I suppose there's no way to go back on that either, except, maybe, as you said, public financing.

MARGOLIS

Or amend the Constitution to limit free speech when it comes to financing campaigns. [Laughter] I have a friend who has, I think, the perfect solution to the campaign finance problem but it just can't work. prohibit any expenditure of anything for campaigns. do not permit anybody to spend anything, and require the candidate to represent himself. Require community television or even commercial television to provide, free of charge, unlimited coverage but only for the candidate himself, not for slick commercials, not for somebody else speaking for him, not for anybody giving him anything, in kind, in money, or whatever. Allow no advertising, only the candidate speaks for himself. The only assist he gets is from television in the sense of speaking for himself on television to reach a wider audience. Otherwise, he's got to go door to door.

It will advantage people who have an already established name or people who have wealth, but whatever you do is going to advantage somebody. But it would take a lot of what's wrong out of the system. It's similar to the problem of drugs in our society. There's a clear cut answer to the problem, but nobody wants to do it, and that is to legalize it, which takes all the money out of it. It doesn't solve all the problems. There would still be addiction.

[End Tape 4, Side B]

[Begin Tape 5, Side A]

MARGOLIS But at least there won't be people making their living by knocking other people's heads in who have nothing to do with the problem one way or the other. The druggies are robbing in order to finance the high costs, and the more you win the war on drugs, the higher the price goes, so the more people get in it and have an economic incentive to addict other people. It seems so transparently clear to me. It's actually working in Great Britain and in Holland despite all the garbage propaganda to the contrary.

The same is true in this field. We really should amend the Constitution and say we're not going to permit this method of corrupting the political system. But we're not going to amend the Constitution to do that. We should say, "Look, it's true that infringement of free speech is a very dangerous thing. But on the other hand, the bigger danger that we've gotten ourselves into is the method of financing election campaigns. Since people don't want to spend public money to prevent the escalation of cost, or they don't believe that public money will prevent the escalation, then the only way you can stop people from contributing money would be to infringe their right of free speech. You have to be able to prevent third parties from taking a billboard or writing and distributing a newspaper that says, "I'm supporting So and So."

HICKE That brings up a question I have. Assuming that we did limit the campaigns to zero financing, would that not leave more power in the hands of the newspapers and the media, the commentators who would then be free to say whatever they wanted?

MARGOLIS Yes. Presumably there would be freedom of others to do the same. But you've got to stop people from spending money to take billboards that don't say anything to advertise a candidate. Right now, you could limit campaign expenditures by the candidate but you couldn't stop somebody else from taking a billboard and

saying, "We're for this fellow." You couldn't stop that yet it would result in an unfair advantage.

I'm just saying that while I recognize the problem of professionalization of the legislature, I think its abuse was brought about not by the staffing of the legislature, it was brought about largely by the acceleration of the costs of campaigning and the selling out of the system to raise the money to wage election campaigns. That's what's got to be corrected.

HICKE: Do you feel like going on a few more minutes or are you pretty well talked out?

MARGOLIS: I can go on. I think I'd like to get a cup of coffee.
[Interruption]

MARGOLIS: This is in connection with the early days and my introduction to all this. It helps explain what my role was. I mentioned delegation. I visualized my role as the protection of the staff. On the protection of the staff, there were a couple of things of interest. One was that the members who wanted to hire people we thought not competent resisted, and this led to these showdowns periodically. But of course, their view of it was that we wanted our people in there so that we could control them and they would be our channel of information. In other words, they would be agents of ours rather than of theirs. It's not hard to visualize that as plausible but it just simply wasn't true. If somebody disputes it, they'd have to show evidence. We did not run it as a closed shop, and this is an important point. We really were concerned with building the institution and its capacity to compete with the other players in the political system, and we felt that we needed quality people. We wanted to have a line of communication with them, but we did not try to own them or direct them. We got our ideas of what should be done as much from them as they got them from us.

HICKE: When you say "compete with others in the system"?

MARGOLIS: I'm talking about the lobbyists, I'm talking about the executive branch, I'm talking about the federal government. I'm talking

about all the other players. It was a bipartisan thing, it wasn't the Democrats versus the Republicans in this case. We wanted people that the legislature could be proud of, who would develop an institutional bias against all comers but not a partisan bias and not a factional bias. We did want to see them become partisans of the legislative institution and fight all comers from that stance, but not to be our agents against the members of the legislature or the chairmen of committees.

You have to believe that there is such a line. It's hard to show it, it's hard to demonstrate it. But it was there. I think when the change came, when Bob Monagan became speaker, I think he genuinely believed that we ran a tighter ship than we did, that we ran a much more controlled system than we did. He was intent on changing over the partisan affiliations of the heads of these various departments, like the Assembly Office of Research. While I don't think that's a terrible thing to do, because policy is political. I'm not ignorant of that fact. I think his assumption was that we were controlling the staffs of the committees and it was a Democratic party operation much more than it actually was. He therefore reacted more in the other direction when he took over as speaker.

He was still a good speaker. He was still, I think, pretty much in the tradition of Unruh. I don't think he had the personal stature or abilities, the grandness of capacity and intelligence that Unruh had. Very few do. But I think his intentions and purposes and methods were honorable ones. I think they were in accord with the protection of the institution and its role. I don't think that of his successors, however.

But that's an important thing because I run into a lot of people even today who sometimes say half jokingly, half cynically, "Boy, you guys really ran things, and there's an implication that we broke arms, that we made people toe the line. I'm talking about policy decisions that we insisted on regardless of what their commitments or their point of view was. This was not the case at

MARGOLIS all In part, we ran things the way I described earlier, that Unruh succeeded in getting people to do things by knowing as much as he did and by caring as much as he did and by having the confidence of the members as much as he did But people have a hard time believing that there isn't something below the surface hidden that you can't see that explains why things don't go the way they wanted to see them go

The other thing about how I visualized my role and this has also been, I think, misinterpreted or misrepresented by others I visualized my role as being one of making access to Unruh available, not closing it off The system that we employed was that

To whatever extent we had a system, it consisted of this that anything that needed handling that Jesse couldn't get to, I would handle It was sort of an overflow system It wasn't that I did certain other things and he did certain things it was that he did what he had time to do and I just picked up the pieces and did the rest of it

HICKE You worked in tandem

MARGOLIS Yes I was always looking at what could I do to make this thing run or make his life better and preserve open access to him, give people a shot at him, let him have a chance to find out firsthand as much as possible

Very often this was done at the sacrifice of *my* being able to talk to him I would schedule others to see him because I thought, given the way he operates and what information means to him and how he gets it best, how he absorbs it, that that would be the best thing to do and that I'll take my chances, that I'll be in a car with him on the way to somewhere, and I'll fill him in then And yet there never was enough time for him to see everybody who wanted to see him Very often, they would assume that the reason they can't see him is that I wouldn't schedule them, so they would blame me for the fact that they couldn't talk to Jesse or be closer to him Hell, there were things that I couldn't schedule myself, let alone

schedule for him. I couldn't do it either. There are limited hours in the day.

But I really believed that the role of gatekeeper is one of keeping the gate open, not keeping it closed. I don't think that most people work the way I did. Most of the people that I've run into, even in Jesse's own office since then, have been people who have kept the gate closed, not open, and they've tried to isolate him, control access to him for their benefit, not for his.

I don't think the degree to which I kept the gate open is generally recognized or understood because so many people were disappointed at not being able to get what they wanted. It may have been a case where Jesse didn't want to talk to them. He knew what they wanted, he wasn't going to do what they wanted, and he didn't want to have to argue with them about it. They would think that I talked him out of it or that I wouldn't let them see him, or what have you. That's the price you pay, but for the record I think that's important. Those were my intentions, that's what I believed about my obligation, and that's the way I worked it, even though it didn't look like that to a lot of people who were disappointed.

HICKE

I believe you've just indicated a fairly important principle about politics in general when you mentioned isolationism—that too many important people are isolated by this kind of closed gate idea. Maybe since we're talking about staffing, you might just have time to go back and tell me a little bit about the history of the concept and how it came about.

MARGOLIS

There's nothing very mysterious about it. The trick was really more how to do it and how to avoid this or that risk or how to do it reasonably without getting overloaded. It was apparent to Jesse and to other members of the legislature that if they were going to contend with the executive branch, they were going to have to have help.

There was a practice in the early sixties that the legislative liaison staffs of the various executive branch agencies would come

into the legislative chambers, and they could signal members and talk to them or members could signal them and find out an answer to a question from them. They weren't quite allowed freedom of the floor, but almost. This concerned Jesse, because Jesse had a very strong sense of the importance and dignity of the legislative office. He didn't like infringement and knew where to draw the line.

Also, in that period, there were tensions developing between him and Pat Brown. As the legislature started to try to assert its independence and autonomy, it ran afoul of the practice in the past of the governor having the dominant voice. Instead of the parity of the tripartite system, the three branches, it was one of domination by the outside interests, the governor's office or the administration being one of them. Much of the information was supplied by agents of the departments of government, if not by the lobbyists, then by the executive branch.

It was clear to Jesse, and I think to almost anybody working in the system, that if you want to have parity and autonomy, you have to have information, and you have to have information you can trust, information you can believe, which means information sources that you own. That means that when committees are meeting on legislation and the economic interests in favor and opposed are there and the administration is there presenting their arguments for or against budgeting this item, you've got nobody digging into it for the legislature with an independent view of it. You have to have the bureaus, like the legislative analyst's office, the Legislative Counsel Bureau, and the reference service of the state library, but they were not adequate mechanisms for doing that. They had agendas and schedules, things they had to do by certain times, and they often couldn't react quickly enough when a member said, I need some information on this legislation that's coming up in my committee. So the only answer was to provide staffing.

MARGOLIS There was some momentum in this direction because in 1957, the Ford Foundation made a grant to provide legislative staffing. Only the assembly bought in. The senate didn't. The senate was still too patrician and rural dominated to be able to see that that was a good thing to do. Of course, in the eyes of those who disagree with professionalizing the field, maybe the senate was right and the assembly was wrong because it was the start of a big change. But the Ford Foundation financed these internships for students who had just graduated and were going to go on to professional school or graduate school but for a year would work in the legislature as interns.

HICKE Could I just interrupt and ask? I think Richard Patsey was there. Did you know him? He did that for a year, I think.

MARGOLIS Yes. He worked for Bruce Sumner on the Judiciary Committee. He was one of the first people I met when I came here. Is he at Berkeley?

HICKE No, he's a judge in the Martinez Superior Court.

MARGOLIS I'll be damned.

HICKE He just got through trying that case where the airplane descended on the shopping mall.

MARGOLIS The Contra Costa County one, yes. The Concord shopping mall. Do you see him? Do you know him?

HICKE No, I was just interviewing him for this. He was later on the Constitutional Revision Commission.

MARGOLIS Yes, he was. Well, if you talk to him again, tell him "hello" for me.

HICKE I will.

MARGOLIS Back to staffing. It became apparent that we needed people on these committees.

HICKE The interns sort of were a

MARGOLIS The interns were a source. Having that program gave the committee chairmen the feeling of having somebody they could lean on to do some research work or at least find sources of information.

There's always this battle in legislative institutional terms of whether the people who work for committees are researchers or whether they're managers of research. They really are more the latter, they're more traffic directors. They know where to go for information but they don't do much basic research. Rarely do you have anybody at that level of expertise or with the time to be able to do a research project in the sense of developing original knowledge. But they are the managers of research in the sense they know where to go to get it or who is doing research and how to find it or commission it.

Later on, there were complaints about the sheer volume and number of people on the staff. The growth and the impact of staffing became a matter of concern even to Unruh as well as others. One of the things that contributed to the superabundance of staff was that these very bright interns were so able and filled such a need that they were kept on after the internship ended. There was a tough selection process, so people of real ability and intelligence came onto the staff, and then the members didn't want to do without them. They got attached to them, so they wanted to hire them as permanent employees. They came in wave after wave, year after year, it got to be like 'The Sorcerer's Apprentice'. You couldn't shut it off. The question was where to put all these people. You didn't want to see them leave. They were so good at what they were doing and represented such a departure from the previous understaffed condition that there was a tendency to flood the system.

When I was running the Citizens Conference on State Legislatures, Fred Taugher was the chief administrative officer of the assembly. He asked me, "What do we do with these people? Where do we send them? We don't have anyplace to put them. We should be able to send them to work in Congress or in universities or someplace that could use the knowledge that they've gained from being here. But we can't handle this number of

MARGOLIS people We have no place to put them We spent some time working on that problem We even helped send some to other legislatures

The Ford Foundation internship ran for five years, and then the grant was renewed for another five years, so 1957-62, 1962-67 Then, in '67 after I had left here, the assembly decided to pick up the tab on the internship and they changed the name to the assembly fellowship program Soon after that, the senate began its fellowship program, and they joined in But for ten years, it was just an assembly program It fed into the need for people and it opened the eyes of legislators [to the fact] that you could do more with staff

All of this was constrained, however, by the constitutional restrictions on the length of time the legislature could meet, the conditions under which it could meet, and the pay of the members of the legislature So there was some momentum to amend the constitution to break out of these constraints, and that's what the Constitutional Revision Commission was about

There were other things feeding into it The governor wanted to get rid of other constraints operating on the executive branch, so he was a great advocate of the Constitutional Revision Commission But when it came to implementing the commission's recommendation, he called a special session and he only put on the call the executive branch article and the judicial article, but not the legislative one So we had a bit of a battle with him about that, because we wanted the legislative article to be eligible to be considered for constitutional amendments that would implement the recommendations of the Constitutional Revision Commission

HICKE

It was about '65, because I think it was voted on in '66

MARGOLIS

Proposition 1 A, right¹ Because we had all this clever staff around by this time, we figured out how to get the legislative article of the constitution onto the governor's call of the special session of the

1 Proposition 1 A (November 1966)

legislature to consider constitutional reform. The constitution has articles that create the executive branch, the legislative branch, and the judicial branch. It also has a Fourth Article on the separation of powers. The governor wanted the judicial article reformed and the executive branch article reformed, but he was being nasty to the legislature by not putting on the legislative [article]. He had to put the separation of powers article on, which [was necessary] to be able to get those two done.

We figured out that you can achieve germaneness through the separation of powers article and thus put the legislative articles on ourselves. It was germane to the call of the special session by virtue of the separation of powers covering all three branches. So we got it on anyway, despite his resistance. That made it possible not just to staff committees but to develop other staffing and give legislators the resources and time to do the work.

I don't know too much what else to say about staffing. Apart from just adding committee consultants to the staff, we were looking at the central bureaus—how they functioned and to what degree they were satisfactory or not. There is an important issue here. You can't get really first class, high level professionalism in any one discipline in the legislative setting. So you take people who are M.A. level and you charge them with knowing as much as possible about their committee's field. As I said, they are the traffic managers of research. That left us with the question, where do you get the first cut talent to apply to problems of legislation? So we retained a consultant to work with us, and this was Alfred W. Baxter, Jr., who lives in Berkeley. He might be worth interviewing. He's on Buckingham Avenue, in the Berkeley hills. I have his address and phone number if you need it.

He was a great help in figuring out the answer to that question. He worked on a lot of different things, not just legislative staffing. But one of the big projects we had him work on was how to rationalize the staffing system. In other words, how do you get

MARGOLIS maximum mileage, given the types of systems that operated in the legislature? He came up with this notion of the assembly and senate offices of research. The Senate Office of Research was just an imitation of the assembly, but he designed the Assembly Office of Research.

The idea was that it would have a small staff of very highly trained people. These were Ph D level experts in various disciplines who would then serve as back up to the committee staffs. You have a judiciary committee, you have an agriculture committee, you have a government organization committee and so on. These are vertical slices of the government organization.

The Assembly Office of Research would have six or eight highly trained people. You'd have a sociologist, you'd have a lawyer, you'd have a statistician, some major disciplines that would cut across, horizontally. And when major legislation was going to be developed, this is all in keeping with the notion that the legislature be the proactive initiator of policy, not just react to policy initiatives taken elsewhere. You would then put a team together. Medicare and Medicaid were enacted in 1965. The state had to respond to Title XVIII and XIX of the social security act by a certain date. We wanted to put the legislature in a position to take the initiative on the state's response to Medicaid. So we took the Health Committee.

[End Tape 5, Side A]

[Begin Tape 5, Side B]

MARGOLIS You take the Health Committee, the Ways and Means Committee, maybe if you're dealing with insurance, the Finance and Insurance Committee, and you take the committee consultants and interns who are assigned to those committees. Then you take your statistical person and your legal person and your sociologist and you comprise a team that then develops this legislation. Then you decide how much of it is going to be introduced through this

committee and how much through that committee. This was what the Assembly Office of Research was intended to be, the place where you stashed those superconsultants.

It worked that way for some of the time. It has fallen on bad days since. It seems to be getting back a little to that condition, but it got used to parking people successive speakers didn't know what to do with and were afraid to fire because they didn't know who their rabbi was. So they'd stash them in there. Then the start of using staff to work in campaigns evolved out of that whole business. That was some of the innovation that we developed with regard to legislative staffing.

The other thing that we had Baxter work on was the design of a system that would build a bridge between academia and the legislature. We had this age-old problem of how to get first-rate talent working on policy research. You've got the universities, who are training people all the time and they're working on all kinds of research projects. But their calendars and timetables don't coincide with the legislative calendar and timetable, and these are other cultural barriers. The state government is financing these universities at huge costs and they are working on policy research, but the legislature is not getting the benefit of any of it. These concerns led to a lot of hassle between the legislature and the university.

We put Baxter to work on it because we really wanted to know how to get people who are in the mainstream of academic research doing cutting-edge work in various fields to take a year to work on problems of public policy in the legislature. If they do that, however, they fall out of sync with their professional advancement; they get sidetracked and somebody else gets promoted over them. You can't take a year out without losing your place. So the question was, how do you deal with this in a way in which it's a positive thing to have worked in the legislature in terms of your academic career or it's a positive thing in your

MARGOLIS advancement in legislative staffing to have come from an academic environment? This was all part of how to get to that higher level, above the M A level and above managing researching but actually doing it

Baxter worked on this problem There s a report somewhere that you could find in which he proposed an institution called CALRAND ¹ It would have been a state government university cosponsored think tank, like the Rand Corporation It would have enough university governance so that people who spent a year or two in it wouldn t lose out on their career path in the university At the same time, it would have enough political governance the governor, the chief justice, the speaker, and president of the senate would be part of the governing board to have relevance to current public policy issues and it would be able to work on a timetable that would make it useful to legislation, not just to graduate studies So we took that plan and tried to implement it with legislation, and Pat Brown vetoed the bill

HICKE Why?

MARGOLIS Because it wasn t his invention, because his people didn t invent it By today s standards, it would have been cheap It would have cost \$3 5 million to start it, which would have been a bargain at today s prices But he vetoed the budget for it It was a budget item, and he vetoed the budget item It became part of the hassle between Brown and Unruh It would make the legislature too strong, even though it was designed for all of state government It wasn t for the legislature alone, but we thought we could benefit from there being such an institution But he vetoed it, and that was the end of that But there was some very inventive work going on in institution building at that time, and some of it got somewhere and some of it didn t

¹ The name implies California Research and Development, after the Rand Corporation of Santa Monica

HICKE

Do we need to stop?

MARGOLIS

Yes. But just as a sort of summation about staffing. I don't know whether I mentioned this to you before. The legislature is vastly overstaffed, and part of what's wrong is that a new crew comes aboard or a new political movement comes in, a new speaker, and the speaker doesn't know who all those people are. He's afraid to fire them and he's afraid to trust them. Instead he hires a whole other echelon of staffing and lays it on top of what's already there to try to get stuff out of this system. What really needs to be done is to fire half of it, three quarters of it, get rid of it. The probabilities are that some very deserving people and some very able people might be lost in the process. But it's no answer to keep adding waves and waves of added staff. It destroys the integrity of the whole process.

HICKE

Isn't there a budgetary limit or something?

MARGOLIS

If you look at the growth of the legislative budget, even despite the Gann initiative, you would have to say that there isn't any budget limit. In the period we're talking about, I think the legislative budget grew from maybe \$10 million to \$160 million a year. So this helped things defeat themselves. It's the lack of political will or ability to have a leader come in and say, "We're not going to add another layer on here. We're going to find out who these people are. We're going to get rid of some of them. We're going to add others. We're going to work with a lean, mean, confident force here."

HICKE

We're again talking about a little gap in leadership.

MARGOLIS

Yes, exactly. I grew up believing that you could create governmental systems, systems that would work reasonably with whoever shows up, whoever gets elected. Not the worst, not the dregs, but the average people could operate the system. You know that saying that the army was invented by geniuses to be operated by idiots? Well, I believed you could create

governmental systems that would work reasonably with average people

I've sort of broken my pick on that thesis. See, in weighing the argument "Is it personality or is it system?" I tended to discount the effect of personality, in part because it's not something you can engineer. You can't predict it, control it, it's an unknown, sort of a wild card, and my mind doesn't lend itself to those things. But my experience leads me to believe that you have to have a good system and a good group of people working it, or you're going to lose on either count. It takes both. The argument "Is it personality or is it system?" it's both. The analogy that works best for me is the racing car. You can have a magnificent machine and a lousy driver and you won't win the race, or you can have a great driver and a lousy machine and you won't win the race. It takes both.

HICKE Works for a violin too

MARGOLIS

Yes, true, but a good violinist can get farther even with a lousy violin. So yes, the leadership capability is extremely important to making any of these things work. None of them can work if there are people in there who don't have either the intention or the ability to make them work. It's the same thing as legislative deadlines. Deadlines are a reform to keep from jamming up all the legislation and then playing the shell game with it at the end of the session. You can have five deadlines but if they're not enforced, if everything is suspension of deadlines, or skeleton bills are used to get around the deadlines, then the deadlines aren't any good. You have to have the will to make it work. There's no way of guaranteeing constitutionally or in the rules or in the design of the system that it's going to operate properly.

HICKE

MARGOLIS

That makes sense, but it's something not everybody can see. It's a hard lesson to learn. The reformers, and I count myself as one but I'm sort of a shy reformer, fail to understand that the most. They think they can solve the problem with engineering.

HICKE You ve given me a wonderful historical perspective today Thank
 you very much

[End Tape 5, Side B]

[Session 3, March 1, 1989]

[Begin Tape 6, Side A]

HICKE I'd just like to start this morning with the topic of legislative reform. We've touched on it a little bit, but I know you've done a lot of thinking about it and I would like to get your perspective.

MARGOLIS The reforms that were enacted in the California legislature were very much the product of a blend of Jesse Unruh's thinking and my thinking in equal parts, but informed by a lot of other people. His information came more from members of the legislature and the political process, and mine came more from the academic world, the good government approach or organizational theory.

HICKE Would you say his is practical and yours is theoretical?

MARGOLIS It wasn't that sharply distinguished, but I would say that the tendencies ran in that direction. He was focused more on what would make it work better and I was focused a little more on how it ought to be in terms of principles—democratic government, openness, accessibility, representativeness. But Unruh, though he was smart enough to, tended not to think in theoretical terms. He thought almost entirely in practical, operational terms. How do you get from point A to point B, not how *ought* you to get from point A to point B. [Laughter]

My main point is that we were working together on it and we were rather inventing it as we went. That is to say, we did not have a lot of source material and we did not have a clear preconception. We had an awareness of the Progressive reformers of the 1910-1920 period, and we're living with some of the less agreeable

consequences of those reforms I'm talking about the initiative and the cross filing systems

HICKE You've talked about those to me a little bit off the tape Do you think that it would be good to go back and indicate how those were affecting the legislature of your time?

MARGOLIS The initiative was intended as a way of circumventing a legislature that would not respond to popular demands, desires The net effect was to create a less responsible attitude If the legislature is the only way laws can get passed, then both the legislators and those who want laws passed focus their attention more on how the legislature is functioning and concern themselves more because it's the only place you can get it done

Having the escape hatch then tends to make it possible to ignore responsibility by the legislature if people want it that badly, they can get it the other way around Or it also tends to take the focus off the legislature as the place to get definitive decisions made and to make it possible to go a different way

The practical consequences were that things were built into the constitution by way of the initiative which make it more and more difficult to govern and which preallocate certain resources and create conditions under which decisions can be made that make it extremely difficult to function The two thirds vote requirement to change a constitutional amendment, the two thirds in the legislature to propose a change to the electorate, itself is a barrier to being able to respond to contemporary problems

HICKE Is that good or bad?

MARGOLIS I think it's very bad because it makes it impossible to govern You can't deal with a problem because the legislature is restricted in what it can do Therefore, responsibility doesn't rest with the legislature and it's possible simply to let problems continue to exist because nobody can do anything about them

The other thing about it is that, in a practical sense, it became a matter of who could raise the money to get the signatures, not

how much popular demand there was. You can pass an initiative if you have enough money to buy the signatures and run the campaign, regardless of what the popular will is. There have been many issues in which polling has shown that the going in view is 75-25 against what the initiative proposes, and by the time of the election, the initiative passes by the requisite 51 percent.

Gun control is a good example. The settled opinion as shown by polls consistently has been that something in the neighborhood of 76 to 78 percent of the electorate favor limitations, and on any proposition that tries to do so, the National Rifle Association will pour enough money in and scare the hell out of enough people so that 55 or 60 percent will vote against the measure. So what the Progressive reformers had in mind wasn't actually happening that way.

HICKE

Up until, say, the forties or the fifties, was there a problem?

MARGOLIS

I don't think so. It was in the late forties and fifties that the old age initiatives sponsored by the movement headed by George McLain obtained preferential treatment for senior citizens built into the constitution and even named the state's social welfare director in the initiative. It was Myrtle Williams who had been secretary-treasurer of the Citizens' Committee for old age pensions, headed by McLain.¹ The initiative they got passed was later repealed.

HICKE

Are you saying that was the first one of the

MARGOLIS

No, but I'm saying that the use of the initiative to represent something other than the popular will goes back a long way, and I think as long as the initiative's been around, those abuses have occurred. But I suppose the rate and rapidity with which they come at us increases all the time as it becomes clear that money is what makes it happen and you can pass virtually anything if you have enough money.

¹ Pinner, Frank A., Jacobs, Paul, and Selznick, Philip. *Old Age and Political Behavior* (Berkeley and Los Angeles: University of California Press, 1959).

The point is that the initiative creates a condition in which maybe 25 percent of the electorate can call the tune. You can pass an initiative with a vociferous 25 percent of the people behind you going in direction A, and you could turn around two years later and pass just the opposite with the other 25 percent who are just as fervently opposed. If you had the equivalent amounts of money, you could do that back and forth all the time. It's the way it works. The Progressive reforms, they made it difficult to operate.

Another was the two-thirds vote requirement to pass the budget or any finance measure. During the time of cross filing, it wasn't as serious a problem because there was more of a consensus government. It was a bland Republicanism, and so there was never any difficulty in getting the two-thirds vote. There were not sharp partisan divisions under cross filing, and so the two-thirds requirement, the difficulties it produces were not as dramatic or apparent as they were after cross filing was repealed and partisan differences began to be more sharply defined. Then the necessity to get a two-thirds vote created more of a difficulty in passing legislation, passing the budget, passing controversial legislation. What the Progressive reforms produced was an inability of the majority to govern. Or, to put it the other way around, it gave the minority party much greater protections against the onslaught of the majority party.

HICKE

Before cross filing, weren't there a lot of and there still are north-south divisions, and perhaps not so much now but then there was urban and rural.

MARGOLIS

The north-south division existed then, exists now. The difference is that then there was more representation in the north because of the lack of fair apportionment or population responsive apportionment, so the north was much more powerful than the south, even though the population strength and voting strength was in the south. The change in apportionment that resulted from the supreme court decisions in 1963 and 1965 dramatically changed

- that The battle between north and south still goes on The north has the water that the south needs, and the battle rages over
- HICKE It s the other way around right now We seem to be buying water from the south ¹
- MARGOLIS Yes But the battle rages over that now, whereas before reapportionment, the battle was over highway funds The gas taxes were collected in the south and spent for highways in the north because the senators from the north ran the legislature Those were the battle lines in that era
- HICKE So reapportionment and cross filing were two things that
- MARGOLIS Well, reapportionment doesn t relate to the Progressive reforms but cross filing does, the two thirds vote requirement in the legislature, the weakening of the parties that resulted from cross filing Cross filing was one of a number of measures that weakened the political parties and made it more difficult to organize majorities in a partisan context, to organize majorities to pass legislation
- HICKE Could you elaborate on that or give me some examples?
- MARGOLIS Well, the party is a mechanism for aggregating interests and mobilizing governmental activity Let me put it in a different way A legislature is made up of, in the case of California, eighty theoretically autonomous assemblymen and forty autonomous senators Each one has a vote and, presumably, if everything went rationally, there would be no way to organize a majority There s no reason for any one member to vote for any measure unless there s some mechanism for forming a majority If legislators get elected representing a shared point of view and with the assistance of the organization of a particular party or interest group, then there is a mechanism to organize a majority, to get a number of people to vote together on a particular measure

1 A reference to the then current but temporary negotiations for some of the water intended for southern California to be diverted to the drought stricken northern areas

The other alternatives to a party are economic interests or, say, the governor's followers versus his opponents, or regionalism, as we were discussing earlier. In our system, parties have become, almost from the beginning, the preferred mechanism for organizing majorities in governmental bodies. In California, the Progressives felt that the parties were the channels for the control of the government by the private interests, that the parties were the channel or the mechanism through which the robber barons—the railroads, the timber interests, the mining interests—controlled the government.

Instead of hacking at those interests, the Progressives weakened the role of the party by writing laws that prohibited the parties from doing various things. Cross filing was one of the those measures. The way it weakened the party was that, without cross filing, the party can control who can use its designation to run for office. With cross filing, it had no control. A Republican can run as a Democrat and call himself a Democrat in cross filing. That's what cross filing means—you file in both parties if you choose to, regardless of what party you're registered in. The voters have no way of knowing who is a which unless the candidate only chose to file in one party or the other. That weakens the party's ability to either determine or encourage their followers to be elected to public office, and that's the sense in which I said the Progressive reforms weakened the parties and made it more difficult on a partisan basis to organize.

HICKE

People found other ways of aligning themselves.

MARGOLIS

Exactly. It was actually an invitation to the private economic interests to organize the legislature from the outside, and that's what gave us Artie Samish and the likes.

Now all of this was by the way of saying that we were living with the products of the Progressive reforms, so that was one body of doctrine that we were familiar with. There was not a lot of literature that you could call legislative reform literature or

advocacy of changes in the legislature. There was very little written about legislatures prior to the 1960s, an amazingly little. Not even about Congress. There were a few standard works but they didn't go in much to the organization or structure or the character of the institution. There was a lot written about policies, about policy outcomes, particular types of legislation or interest groups or things like that, but there was not much about the structure or organization of the legislature, there was remarkably little.

There's been a great burst and renaissance of investigation and writing about legislatures, but even today, if you look in the card file catalog listing of library holdings and look under "legislature," you'll find about an inch or two. If you look on any other topic, it doesn't matter what it is, there will be three drawers or so.

HICKE

There's a lot of room for somebody to be

MARGOLIS

It's an institution not well understood. Therefore, I think its role in our governing system is not highly appreciated, and it's one of the reasons that people so condemn legislatures. They're easy targets because no one is in charge, really, no one is responsible for them in the hierarchical way that the governor is responsible for an administration or the president is responsible for an administration. It's a pluralistic body and so it doesn't have a clear voice. The speaker, to a degree, is the spokesman in the house. But in the senate, they don't even have that. They have a committee that governs, the Rules Committee, or a majority leader but there are always other voices: the minority, the rurals, the urbans. So all these splits weaken the voice, so if somebody attacks the institution, there's nobody whose responsibility it is to defend it or to say that isn't so and to take offense and to make it costly to attack, as in other institutions in other places.

HICKE

You certainly pointed out a good reason to be doing these oral histories. Because that's what we're hoping to do: document some of the structure of the legislature.

MARGOLIS So in 1962, '63, '64, when we were much interested in this question, there wasn't much to go by. So we were rather inventing it as we went along. The main point is that Unruh and I were inventing it as we went along. We did not have models to follow; we did not have a big literature to advise us. There were not very many people much interested in the subject.

HICKE Why were you interested?

MARGOLIS We had to work with it and we found the problems of doing so. The thing about Unruh was that he immediately fills, or filled, whatever vacuums existed. I dreamt about him last night, so that's why I use the present tense. [Laughter] He filled vacuums wherever he found them. It didn't make any difference what he landed in, he would look around, figure it out, and decide what's the maximum you could do with where I am or what I'm doing or where I've landed. He would proceed to test the boundaries and find out how far you could take this thing. Can he make it fly? Can you make it run? What can you do with it? This was his natural inclination with anything he did: maximize his role, make it the most important thing, make it the best working thing.

The speakership had been a relatively weak position. Its previous incumbents were people who saw themselves more like traffic controllers, traffic directors, than initiators of policy or as responsible for the function of the institution. They simply saw that committees didn't conflict or that everybody had a committee assignment. They directed traffic that way. They truly were good guys and they were nice to their followers and members.

Unruh came along with this desire to make things different. First, he had a program in mind: we'll talk about that a little bit. Secondly, he had a desire to see the institution in which he was involved fulfill its potential, be more effective. You look at the structure of government and you say you've got a tripartite system. You've got a legislature, an executive, and a judiciary, and they're supposed to be whole partners in government. Here you've got

one of the partners split in two so that the two houses contend with each other so you can't say, 'I'm head of the legislature' or 'Here's what the legislature demands or insists or what its viewpoint is.' You've got two bodies, and as soon as the leader of one house says, 'We're for this,' then the leader of the other house says, 'No, we're not.' So they're fighting each other.

The founders should have asked themselves, "If you're going to set up three parties in contention with each other, and your guarantee of freedom and the avoidance of the abuse of power is to split it three ways, then how do you justify taking one of the three elements and splitting it in two and pitting its parts against each other? If you do that, how do you expect it to contend with the other two, which are relatively unitary in their construction?"

So thing number one was, how do you make this an equal partner in this competition for leadership in government? Not only is its voice split in two in the two houses arrangement, but each house is split into parties, necessarily. One of the purposes of the legislature is to bring those contending forces together in some fashion. The question is, what, then, are the resources that it works with? If its role is at least a contributing factor in policy making, then information, ideas, and plans are the necessary ingredients of the system. So is information about what people think, what they want, and what their problems are.

When you looked, then, from the vantage point of the 1950s, at the legislature and its capacity to have those things you found it was very weak. The information was either in the hands of the private interests or it was in the hands of the executive branch or of the federal level of government. What constitutes an adequate supply of information on which to base policy decisions in a highly complex, technical era? It is staff, it is research, it is information management. The legislature had none of them. It was dependent on everybody else for all those things. So it didn't take much figuring out. As they say, you didn't have to be a rocket scientist to

MARGOLIS figure out that you need staff for members, for committees, and for leadership positions

HICKE But for some reason, nobody else had

MARGOLIS It isn't that nobody could figure it out. It was, in part, that the will to do so was lacking. There were interests that didn't want to see that happen. The ones that controlled the information resources were happier having the control rather than sharing it with the legislature. They were able to get things out of the legislature that they wouldn't have been able to get if the legislature had resources to do the job with better. So there was always resistance, and there wasn't enough will to overcome it.

I think the difference, really, was more that Unruh was willing to mobilize the forces to do it, that he wasn't persuaded by the arguments of the governor that if you do that, then the other party will have more strength, or if you do that, then our administration will be weakened, arguments that had prevailed in previous times when others had looked at the possibility of doing that. You also have the automatic argument that it costs money, and there's taxpayer resistance to spending money to do these things, even though the percentage of cost may be miniscule in the total array of public costs. But people don't look at things that way. So the argument against spending the money was a very powerful argument. It was used by other interests to protect their prominent position in these things. It was used cynically, I think, but it was nevertheless compelling and effective.

HICKE As you go along and tell me these things, if you can think of specific times, for instance, when Unruh and Brown discussed it or when somebody came up with the idea that it cost too much money any specific occasions that occur to you just fit those in if you can.

MARGOLIS I'm addressing the foregoing remarks to times before I was here, so it's a little difficult. But those are the classic arguments, I've seen them raised over and over again. When I left here and began

doing this kind of work in other states, the same arguments were raised then as had been offered in California in the fifties before I was involved, so it's an old story

HICKE

But these were also arguments that you and Unruh faced

MARGOLIS

Yes I will illustrate that with an event After the Constitutional Revision Commission had fashioned Proposition 1 A, the measure that eliminated some barriers in the constitution to the legislature's adopting its reform measures, there was resistance from the private interests as expressed through the lobbyists, the Third House

One of the important things that Unruh had succeeded in doing was gaining the confidence and support of Hugh Burns, who was president pro tem of the senate Hugh Burns was really reflective of the past He was a rural senator he was not high tech, he was all hands on, old boy network

[End Tape 6, Side A]

[Begin Tape 6, Side B]

HICKE

I think you just said 'old boy network

MARGOLIS

Yes I'm describing Senator Hugh Burns who, by the way, died about two months ago He was really reflective of the past and was a rural senator who relied on the old boy network and hands on management He had no particular policy objectives, except perhaps to resist the growing influence of the urbanites But Unruh succeeded in making him an ally in providing the resources for the legislature to do its work

Now I think Burns's reason for following along with it in part was he was trading legislative support with Unruh That is to say, he was looking for good relations with the assembly, and if this meant that much to the assembly, even though it meant less to him, he would go along with it Secondly, he saw the benefits of the resources, not necessarily of the products of those resources He might not have been in favor of, say, the modernized response that

the legislature might be able to make to problems as he was to, say, having more staff and more money to spend more as a patronage thing, as having something to hand out. But one way or another, he went along, and that was critical. That was absolutely a telling turn.

The lobbyists were pooh poohing the reforms because they did not want to have to deal with all these staff people. They did not want to have to contend for the effectiveness of their information against somebody else's information. Their work was all going to be harder; they were going to have to spend more time cultivating and educating. They saw this as very negative, and they were critical, and they used the taxpayers' expense argument heavily. It got to the point where it was beginning to make inroads in the support for Proposition 1 A. I'm talking about the enactment of the resolution proposing 1 A in the legislature.

So Unruh consulted with Burns, and they agreed to call a meeting. They held it at the El Mirador Hotel. This would have to be in 1964, I guess, because that's when Proposition 1 A was being prepared for the ballot. Wasn't it passed in 1964 and became effective in 1965, or was it a year later than that?

HICKE I've got a chronology in here someplace.

MARGOLIS You can check it. So it was at the time that the measure was being legislated in preparation for going on the ballot and ultimate enactment by the voters.

HICKE I think 1965, when the legislature opposed Brown's request to end the two-thirds vote requirement?

MARGOLIS No.

HICKE That was not it? I guess I don't have it in here. But I believe the actual vote was in 1966 when it was approved.¹

MARGOLIS Yes. Then this would have to have been in 1965 when it was going through the legislature to get on the ballot for 1966. So they called a meeting and they invited the leaders of the Third House, the

¹ 1 A passed in November 1966. See above citation.

powerhouse lobbyists I'm talking about the oil companies, the truckers, the big commercial interests

HICKE Liquor?

MARGOLIS Yes, right

HICKE Horse racing?

MARGOLIS All those, yes All of them

HICKE Schools?

MARGOLIS I m talking about commercial interests How those other interests went, I m not sure They were not likely to be out in front opposing these reforms so much as the commercial interests were, which were the ones we named

So he called a meeting of them, and he and Hugh Burns met with about twenty lobbyists in this room They had a head table which he and Burns sat at

HICKE Side by side?

MARGOLIS Yes There were a couple of other legislators from the minority party, I think I don t remember clearly their role But Burns and Unruh sat there They said that 'we are very much intent on passing the resolution for a the constitutional amendment that would lead to Proposition 1 A' and that 'we understand what your beefs and gripes are about and we re willing to accommodate them to the extent that we can without undermining the basic thrust But we re going to get the staff and the information and the resources for us to do the job with here, and that s very important to us I m really paraphrasing Unruh s remarks He said, "We know that you re fully capable of marshaling the votes against us and could kill this proposition But keep in mind, if you do, that everything that you're interested in has to get through the two of us, our two houses " [Gestures]

HICKE Pointing to Burns

MARGOLIS Yes And we ll remember what you do " That was it They walked out of there shaking their heads, and said, "That s the end of the opposition to 1 A They went ahead and enacted it It was

a decisive event it really made the difference There s no way that could have happened if Unruh hadn t seen that Burns was key to it Burns was not necessarily a friend of it on the natural, but Unruh brought him into it

He was so skillful in negotiation I don t mean it in a cynical way I mean in understanding the other person s needs and desires and how to split the difference, how to bring them, how to get them to become a party to what you re after This is one of the times that he did it, and he really did it well

The other thing that illustrates is that it was his willingness to use political power for an institutional end While he could expect to benefit by association, the institution waived benefit permanently It didn t pass any legislation he wanted passed it didn t aggrandize him The only thing you can say about it is if you can presume that he visualized what being the head of a more powerful institution meant, then it had that benefit for him personally to do this But that s a second or third order kind of return That s an example, though, of what the opposition was like and why and how it was overcome

HICKE Do you want to back up and tell me some of the specifics that you mentioned? Did you work with the Constitutional Revision Commission?

MARGOLIS Yes, we did

HICKE How did you get this whole thing going?

MARGOLIS Most of the barriers to strengthening the legislature were in the constitution They limited the length of time the legislature could meet It is difficult for me now to recall all of those specifics They limited the expenditures of the legislature and the control of its own agenda It was dependent on the governor to call it into session The governor s "call" limited what the legislature could address in a special session if it was called into a special session So some of the changes were to allow the legislature to add to the

agenda or to call itself into session and set an agenda and extend the time that it was in session

The aim was to get to the point where staff could be added. Staffing was one of the key issues—getting staff and getting fairly qualified staff, that is, being able to pay sufficient salaries to attract competent staff.

HICKE

So that was a budgeting

MARGOLIS

Right. And being able to invest in machinery, equipment, information sifting and organizing and storing equipment. Those were the objectives. To put the legislature on top of the issues, it was going to have to confront rather than being in the position of responding only to an in-basket to set its agenda. The interest groups and the governor introduce legislation, and then the legislature sits there and says, "Oh, this. Let's see what do I know about that?" We aimed instead to put the legislature in the proactive role of being able to anticipate problems, being able to initiate legislation, being able to set the agenda and be on top of the information about matters that other people brought into the legislative universe.

HICKE

Did all this require the constitutional revision?

MARGOLIS

No. But the restrictions on time was probably the most critical limitation, and there was a way in which it affected the amount of money the legislature could spend. I don't recall now exactly how that worked. There was a limitation on the number of employees or something like that in the constitution. But I don't remember it clearly. There were a couple of plugs that had to be unplugged to make improvements possible. Most of it was a matter of deciding how you wanted to do it, getting the support internally to budget those expenditures and to control the flow of those expenditures. What kind of staff deployed how? What sort of information resources? What number of committees?

The number of committees is important because in a limited resources environment, you can only staff a certain number to a

certain level of proficiency, and the more you have, the more it tends to dilute those resources and to fractionalize the policy making system. But the compulsion to appoint a lot of committees and using appointment as a reward for supporters is strong. Appointment to a committee chairmanship is a method of giving prominence to individual members and giving them some resources to play with. But those were all internal decisions. Those were decisions that then could be made after the major plugs were pulled that prevented doing this. So where are we in this tale?

HICKE: There are a couple of things I want to hear about. I'd like to hear about your relationship with the Constitutional Revision Commission and also about how you actually went about gathering support. Whom did you talk to? Specific names, and stories of meetings, if you recall any of those, or challenges.

MARGOLIS: Because of the need to amend the constitution, the use of the revision commission was agreed upon. The governor had a lot of interest in changing the executive article and the judicial article. I've become less clear about what those changes were because I wasn't focusing on those, I was looking at the legislature's side of it. But the governor's interest in doing anything at all to the executive article was the tradeoff for getting the support to get work done on the legislative article. We were very much in favor of using a commission. We suggested some of the appointments to the commission and followed its work very closely.

HICKE: Any particular names?

MARGOLIS: Only that Bruce Sumner was the chairman of the commission, and he was an ally of Unruh's, though a Republican. He was chairman of the Judiciary Committee in the assembly, and Dick Patsey was working as staff to the committee and became staff of the revision commission.

I don't have much of a recollection of who was on the commission. I remember Manning Post, who was a good friend of

Jesse s, being appointed to it and talking with him frequently about what we want to do about this and what we want to do about that But I don t have a very clear recollection

HICKE The only ones that I m asking about are ones that you talked to specifically

MARGOLIS It wasn t that way so much Our dealings were largely with Sumner or Patsey or maybe a member or two of the commission We didn t view the problem, nor did we approach it, from the standpoint that we had to mobilize votes That meeting with the lobbyists was a critical pass in getting those major interests on the side of doing these things

HICKE How about other legislators?

MARGOLIS That s the point Yes, we worked through members of the legislature and said, 'Look, you guys have to campaign for this If we get it on the ballot, you guys have to campaign for it because it s not going to pass automatically and there s not going to be a big campaign organization behind it If you want to have these resources to work with and belong to an institution of this caliber, then you re going to have work like hell to get it passed " And most of the members did

The ways in which we used our efforts was in mobilizing the other members, in dealing with the commission staff and chairman We didn t do a lot in terms of getting witnesses to testify and we didn t do a lot with lobbying members of the commission Sumner and Patsey were interested in the same things we were If we were told that there s a sticky wicket coming up, then maybe Unruh would go talk to a couple of people on the commission I didn t know all that he was up to But that would be the way we would have worked anyway, more that way than blanketing and lobbying all the members

HICKE Were any legislators opposed?

MARGOLIS There were some who were at least skeptical if not outright opposed [Assemblyman] Bruce [F] Allen comes to mind as at

least very skeptical about all of this. He saw it all as a big power play. He was a very negative fellow.

HICKE

What was his stake?

MARGOLIS

The old school and a patrician legislator. I don't know that he would acknowledge that. I think he's still alive. Or did I read that he died? He was a superior court judge in San Jose or Santa Clara.

Bruce F. Allen. He was a tough nut, he was a fighter. He was the minority voice on the Ways and Means Committee much of the time that Jesse was chairman of the committee. I remember one incident which illustrates Jesse's inventiveness. Allen was very familiar with the rules and he was very shrewd. He was a competent legislator but he was for all the things that were the opposite of what we were for. On this occasion, we were in the Ways and Means Committee. We had a lot of stuff up and we were short of a quorum. Usually, nobody bothered about quorums. The members wander in and out, and usually there's a quorum sometimes. But nobody paid a lot of heed to that.

Allen was very much opposed to something that was on the agenda that was sure to pass, it had overwhelming Democratic support and was sure to go out. He looked around, counted the committee, and recognized that there was no quorum, so he challenged the existence of a quorum. It wasn't a case of the chairman being able to say, "OK, there's no quorum, the meeting's adjourned." Because it was near the end of the session. There was a timetable problem, a deadline problem, and if he canceled the meeting, then lots of legislation would go down the tubes and there would not be another opportunity to reschedule. That was the problem.

So Unruh. He always amazed me. I sat there wondering what the hell are we going to do, and he says, 'In that case, Mr. Allen, we'll act as a subcommittee of the Ways and Means Committee.' There are no quorum requirements for subcommittees, but subcommittees can't take final action. "We'll

continue to conduct the hearing in the capacity of a subcommittee, and when the quorum returns, then we will ratify the actions of the subcommittee by the full committee. Is that satisfactory?" There wasn't anything Bruce Allen could do.

HICKE

Wonderful.

MARGOLIS

One of his skills, of course, was knowing as much about the rules as Bruce Allen or anyone else. He really read them and understood them. He learned early in his career that you have to learn the rules if you're going to win the game in this business. He was inventive, on the spur of the moment inventive, which was just a rare kind of talent. He was very good at that.

I don't remember a whole lot of opposition. There may have been but I just don't remember it. It seemed to be so much in the interest of the legislature to do it that it wasn't very vociferous opposition. Then, of course, the thing went on the ballot and passed.

HICKE

Let's talk about the opposition there was. The governor's office and the executive branch?

MARGOLIS

Yes, but they had to low key it. They couldn't afford to get crosswise to the legislature on something that was of that great an interest to the legislature. They were under some pressure as it was. I think I told in the last session something about the fact that the legislative advocates of the various executive departments used to hang in the back of the chamber, and when something came up, they were always on hand or legislators would call them up and ask them questions. While they wouldn't quite have the freedom of the floor, they virtually had it. One of the changes that occurred in Unruh's speakership was to prohibit access to the floor by any lobbyist, whether for the state agencies or governmental entities or the private interests or what have you. They could not come on the floor level. They had to sit in the balconies or they had to meet legislators in the halls.

HICKE

How was that done?

- MARGOLIS Through a change in the rules
 HICKE Jesse Unruh
 MARGOLIS Led it, yes, together with [Assemblyman Thomas] Tom Bane, who was chairman of the Assembly Rules Committee at the time. They also took a try at getting the press off the floor, but they didn't succeed on that one, they had to back off. The press has seats and historically has had them along the walls, at the side of the chamber. There's an organized press corps, and they designated who the most senior members were who were entitled to desks. The others sat at a table in the back of the chamber. There was a move to get them off the floor because if anything happened on the floor, the reporters would get up from their desks and rush over to that member and start conducting a press conference right on the floor, disrupting the session of the assembly. So there was a move to try to get them off the floor. But they wield a powerful weapon. It was portrayed as an effort to throttle the press and prevent its access to doing its job and providing information to the voters and the citizenry.
- HICKE Was that again Jesse that made that move? Or was it Tom Bane?
 MARGOLIS Jesse stayed in the background on it, but he was as anxious to see it done as Tom Bane. Tom Bane was a little more gutsy in doing things out in front, and he would usually take the lead on matters like that.
- HICKE We were talking about the opposition that you encountered from the executive.
- MARGOLIS There was a lot of hooting and hollering by Governor Brown over removing his minions from the chamber. But it was part of the business of making the legislature more autonomous, more independent, more reliant on its own sources.
- One of the points worth making about sources of information is that, in the absence of having your own staff and other resources, it isn't a case of not having information, it's a case of not trusting information you have. There's no want of information in any

legislative body, I don't care how primitive or archaic. The in baskets and the mail slots are all full of information, but nobody reads it or pays any attention to it because they don't know whether they can trust it or not. They don't feel they can rely on it. It's only when you control the gathering and analysis of information that you feel confidence in it, that it will be gathered and analyzed and published in awareness of your needs and interests and concerns. So what you rely on is what you know, you know you control it. The problem has always been not want of information but of *reliable* information or information you could trust. That's why it's so important that it be produced by staffs answerable and responsive to the legislature.

HICKE Did the governor want his people on the floor to get information or to have access to the legislators?

MARGOLIS To convey information, not to get information. To tell the legislators what they should be doing. It would be worth spending some time, I think, on the rift between Brown and Unruh and its origins.

HICKE Maybe this is a good place to do that.

MARGOLIS I suppose so. I'll try to summarize that. Pat Brown was elected governor in 1958. He was elected attorney general in 1954, I think. I'm not sure whether he was attorney general for one or two terms.¹ The point mainly, though, is that we were in the aftermath of the repeal of cross filing which, I think, occurred in 1950.

HICKE The end of cross filing? I thought that was '59.² Actually, there was a law in the early fifties, '51 or so, that attempted to do that, and they came up with some partial solution.

MARGOLIS That's right. The first change of cross filing was not to abolish the ability of a candidate to file in either or both parties but rather to require that the candidate's party of registration be listed. That

1 Brown was elected attorney general in 1950 and reelected in 1954.

2 A B 118, 1959 Reg. Sess., Cal. Stat., ch. 284.

started to change things That was adopted, I think, in '52¹ The Democrats began to see who were the Democrats and who were the Republicans You could win the nomination of both parties but you had to do so with everybody knowing which party you were in That was the first change and, I think, probably the more important of the two changes It began to sort things out

[End Tape 6, Side B]

[Begin Tape 7, Side A]

MARGOLIS Pat Brown got elected attorney general in an election in which all of the statewide offices were won by Republicans He was the only Democrat elected statewide that year There were still Republican majorities in both houses of the legislature Pat Brown had been district attorney of San Francisco, the prosecuting attorney in San Francisco, and ran as state attorney general from that position He was viewed as a moderate to conservative Democrat What was emphasized was that he was Catholic, a prosecutor, for law and order and busting criminals That's how he was perceived, as a conservative or moderate, middle of the road Democrat, not as a left winger Then, in '60, Democratic majorities Have I got this right?

HICKE In '58, [State Senator William F.] Knowland ran for governor

MARGOLIS Pat Brown won in that election I'm trying to think of when the Democratic majorities took over

HICKE I think it was after that It was after cross filing was abolished in '59, Democrats emerged as a majority

MARGOLIS So it was in '60, because there was a Democratic majority in '60 Jesse was chairman of the Ways and Means Committee in 1959 He was appointed in 1959, was serving in 1960 I shouldn't get sidetracked on that because you can check all that out

The point I'm making is that when the Democrats came to power, the view that Unruh had of what their role should be was

1 Proposition 7 (November 1952)

along these lines. You could paraphrase it this way and say, "We've been given a rare opportunity. What the voters have said is that they're fairly middle of the road, moderate to conservative. Yet we Democrats have a liberal agenda. We believe in state intervention and that the weaker elements of society should be protected and helped by the government."

"The right to be able to do that in this kind of an electorate is to be efficient and conservative in how we spend the money. We have to exercise this trust cautiously and effectively, not waste money, not throw money at problems, not be guilty of not knowing where the money is going or letting it get ripped off. We have to run a clean, lean, efficient operation or we won't get the right to do it, because we're running a bit against the grain in caring about people and being interested in social programs. So it takes a little more than would be required of us if we had an electorate like Massachusetts, where they're all for all the liberal programs and spending tax money that way."

So that was the style and that was the approach. It was economy in government, but of a caring, interventionist government. It was Jesse's belief that that's how Pat Brown was elected. He was elected in the belief that that's the kind of person, that's the kind of political figure that he is. That was Jesse's view of what the mission and the approach to governing by the Democratic party should be.

HICKE

Let me just interrupt here. In '59, I guess, Brown submitted forty major legislative proposals, and they were all welfare, old age pensions, minimum wage, workman's compensation, etc.

MARGOLIS

That was part of the dam breaking that I was talking about, when all these piled up social programs had been blocked by previous Republican administrations and legislatures, who were more business dominated.

[Interruption]

MARGOLIS Jesse was chairman of the Ways and Means Committee. I should also explain that, in the past, the governor would recommend to the majority who the Ways and Means Committee chairman should be. This was a hangover from previous eras when the governor dominated the legislature, and the right to nominate for appointment the Ways and Means chairman was the governor's. It was only ten years before that the governor totally owned the speaker.

There was a famous rebellion when [Speaker] Paul Peek was overthrown and [Assemblyman] Gordon Garland ripped out the direct line telephone from the speaker's desk to the governor's office, like the one they still have in Louisiana. This goes back to the [Governor Culbert L.] Olson administration, the last Democratic administration. This was in 1940 or 1941. It was in the Olson administration, and Peek was a Democrat. Then, a coalition of Republicans and Democrats overturned him as speaker, and Garland, also a Democrat, was elected speaker. It was he who ripped the telephone off the speaker's rostrum as a symbol of legislative independence of the executive branch.

The governor in the past had many powerful influences in the legislature, but one of the remaining ones, and it was really a late appendage, was the right to nominate the Ways and Means chairman in the assembly. The logic of it was that the chairman of the Ways and Means Committee is responsible for delivering the governor's budget. Pat Brown had recommended Jesse Unruh, who had been chairman of the Finance and Insurance Committee previously, to be the chairman of the Ways and Means Committee. Why did he recommend Unruh?

HICKE

MARGOLIS He thought Unruh could marshal the votes. He was strong. He was up and coming. They had not yet had a falling out.

HICKE But they had known each other and so on.

MARGOLIS Oh yes. Unruh was in the legislature after all. It is always a case of nominating somebody in the legislature.

HICKE I wondered if Unruh had done anything special in supporting Brown

MARGOLIS They'd been allies. I'm laying the groundwork for the split. Early on, it began to be apparent that the posture of the Brown administration was not going to be, as Jesse had really expected and hoped, a posture of search out the waste and get rid of it, don't tolerate incompetence or coverups, run a lean, mean administration. Who were the enemies? Who are you going to be running against or doing this against? It's fundamentally the civil servants, the bureaucracy, the layers and layers of archaic methods of doing things, the hidden waste.

So it meant that the administration, that is, the leadership of the administration and the leadership of the legislature had to work together against the resistance of the bureaucracy and of the linkage between the special interests and the ongoing bureaucracy the iron triangle, as it is known in the federal government. The three sides of the triangle are the subcommittee of the legislature, the bureau in the administration, and the private interest. The state equivalent of that was really the special interests and the bureaucracy at the state level, the legislature wasn't important enough to be a part of that. [Laughter]

Early on, it became apparent that this was not going to be the Brown administration's address to the rest of government but instead they were going to cut a deal with the civil service and not rock the boat but just try to get by. They had bigger fish to fry, different interests to pursue, and they were not going to get bogged down in a battle with the entrenched civil service.

When Jesse became chairman of the Ways and Means Committee he had to decide what to do with the Ways and Means Committee apart from the budget. The budget is one of the big things, but the committee also deals with all finance legislation. There is also an oversight role, which hardly anybody in the legislature ever remembered, but oversight of the executive branch.

is one of the things that you have to be concerned about. You have to see whether the laws you passed are being followed, whether they've been implemented, whether they're being efficiently pursued or whether the money that you appropriated is being spent in accordance with the appropriation or is being used to do whatever the governor wants to do, regardless of whether the legislature ever enacted such a policy or made such an appropriation.

HICKE

They didn't bother with too much of that.

MARGOLIS

Nobody ever bothered with much of that. But Jesse saw that those were all things that, if you're going to occupy a position fully, that's part of the occupation of it and the building of its importance. Mind you, he was inventing all of this as he went along. It makes logical sense and there's a clear-cut rationale, but that hadn't been enunciated very much prior to that time.

When I came aboard as the consultant to the Ways and Means Committee in September of 1960, one of the issues that had been brought to the attention of the committee by, actually, leaked information (which is often how oversight gets conducted) was that the State Department of Education was buying more textbooks than they were using. These textbooks were being printed by the state printing plant, and they were printing far more than they had any conceivable use for in the schools. So what were they doing with them? They were burning them in bonfires annually. There were huge bonfires of textbooks being burned.

HICKE

A new form of book burning.

MARGOLIS

Yes. So we started an investigation of the State Department of Education, the state printing plant, the schoolbook publishing and acquisitions system, how the books were distributed and who was using them how. We found that big books were even being used as doorstops to prop the doors open in the schools. An early form of air conditioning.

So our first thrust was to see if these books could be given away, sent overseas to Third World countries who might want to use them in schools to teach English. There were all kinds of reasons why we couldn't do that. One reason was that we'd be competing with the publishers. The more we got into it, the more it became apparent we were dealing with a system in which the state printing plant was being kept busy so that it would justify its purchase of presses and equipment. It would show a good record of volume of production.

HICKE That's what I was wondering why they bought so many in the first place.

MARGOLIS The publishers were getting royalties on the number of copies that were distributed, and the schools were getting more than they ever ordered because they had to distribute them in order that the royalties be paid.

The clincher was that the employees in the state printing plant were covered both by civil service and by a labor union. They had a labor union contract and civil service protection. That meant that the number of people who were employed couldn't be reduced. The work rules from the labor contract and the seniority system of the civil service prohibited reductions to achieve savings. The resulting monster had to have something to do, so it kept publishing books that were not needed.

We had night hearings, and they were a big thing. We showed films of big bonfires of books. Information kept leaking to us about all this.

HICKE Who did you have at the hearings?

MARGOLIS We'd called the head of the textbook division of the State Department of Education, the head of the printing plant, school district superintendents, and teachers to testify on what they were doing with these books. Some of them would tell us they used them as doorstops, they didn't order them, they didn't want them, they didn't need them. Millions of dollars were going into this.

operation. If they didn't use it this way, the money would revert to the treasury. They were printing more and more each year so they could justify budget increases.

We were appalled. Pat Brown and his administration chose to be defensive. They accused us of trying to make the administration look bad, running it into the ground and strengthening the hand of the opposition, the Republicans.

HICKE

Why would they oppose it?

MARGOLIS

It was relatively unheard of that the Democratic chairman of the Ways and Means Committee would dig up dirt about a Democratic governor's administration. The reason for it was what I explained going in.

The publishing problem ultimately got straightened out and the system was changed. Textbook publishing was taken out of the state printing plant, and it was done on bids commercially and I think still is. I think the state printing plant has virtually no role in textbook publishing, I'm not absolutely sure of that but that's my impression.

HICKE

You left out the part after the hearings. How did you get from the hearings to the success?

MARGOLIS

Most of these were budget items, and we were able to build controls into the budget to change some of these things. The governor had to yield. I don't remember the legislation that was enacted that changed all this, but the governor had to yield. The public reaction was enormous.

That was still in the days when if you revealed a scandal, there was a big to do about it, and usually the pressure was big enough that it forced changes to occur. That doesn't happen much anymore. We have a scandal a day, and the concern about it lasts fifteen minutes, and then we go on to tomorrow's scandal.

Another piece of that same puzzle again, one of the products of the Progressive reforms was that the civil service protection blanket covered almost everybody in state government.

The number of exempt appointments was limited to the head of an agency or the head and perhaps one deputy. Exemption was very limited. In a large agency, it might go to the director, the chief deputy, and two assistant directors. That would be a very large department in which there were as many as four exempt or political appointments, the rationale being that if you permit incoming administrations to appoint their hacks, so the argument runs, then you destroy the ongoing, career oriented, proficiently trained, honest civil servants.

What the Progressives didn't realize is that what you do is, you create a bureaucracy which has its own patronage and plays its own politics as fiercely as do the parties. The difference is the parties have it out in the open and the bureaucracy plays it secretly. In the open, you can get at it, but if it's secret, it's very hard to get at it. This, again, illustrates the fragility of reform and the famous maxim that "Today's reforms are tomorrow's tyrannies."

But the exempt position was a big issue. On the side favoring exemption, the argument runs: if you elect an administration because it enunciates a given policy and you want to implement that policy, the only way you can do it is to have agents who are charged with that responsibility and who then have to hammer the bureaucracy into changing its ways to accomplish those policy objectives.

We recognized that there are so very few precious political appointments, and our viewpoint was not that the political appointees are hacks and campaign aides who have no place else to go but they should be the most competent, the most able people you can find, because they've got a tremendous task in whipping this bureaucracy into motion. We found that part of the deal the administration had made not to rock the boat was that, where an opening in an assistant directorship that would have been exempt occurred, the governor would appoint the highest ranking civil servant to fill that position as a temporary appointee. As many as a

MARGOLIS third of the exempt positions were filled by civil servants serving six month temporary appointments, which could then be renewed. In other words, he gave the civil service even more range than it had legally.

We tried, and in some cases succeeded but in most didn't, to change the rules either through budget language or through legislation. But legislation required the governor's signature. In the budget, he could reduce line items and dollar amounts, but he couldn't affect control language without vetoing the whole budget. So some of these things would be done through control language in the budget.

HICKE Why did he do this -- appoint the civil servants?

MARGOLIS This was part of the deal not to rock the boat but to try to buy their support. I'll go into that a little more. We got a rule adopted that if you had civil service coverage, you could only occupy an exempt position for six months, and then you either had to revert to your civil service position or leave the civil service to continue.

The author of the deal with the bureaucracy was Hale Champion. He came into Pat Brown's administration in an interesting way. First, he was critical of Pat Brown. He was a political correspondent for the San Francisco *Chronicle*, and he wrote some sharply critical articles about the early phases of Pat Brown's administration. Brown was the sort of person who responded to the squeaky wheel. He did more to reward his enemies than his friends. He hired Hale Champion to be his press secretary, and that stopped him writing critical articles about the administration. [Laughter]

HICKE That's one way to do it, I guess.

MARGOLIS Hale Champion's outlook was a very elitist one. He believed that he knew how to run the government. He is a very bright fellow. Jesse Unruh once said that it's a good thing Hale Champion is as bright as he is, because if he weren't, he wouldn't know it. He believed that he knew how to run the government. He didn't want

any interference from the legislature or anybody from outside of the administration. He and I talked about this some years later, and [he told me] he said [to Brown], "Look, Governor. You have a limited amount of time. You can decide where you want to use your resources. Do you want to be fighting the bureaucracy, the civil service, for inches or do you want to make policy, yards and miles? You're not going to have time to do both things. So if you want to make the big gains, you're going to have to buy into their support, and the way to do it is thus and so."

This was just absolutely 180 degrees difference from our view of things, which was running the lean, mean machine, and you had to whip the civil service into action, and your best chance of support from the voters was to be seen cleaning out waste, corruption, archaic systems, throwing away money, and instead using the money efficiently to pay for helping the poor, the needy, the ill, the lame.

HICKE Do you think that he actually had to choose between them? Or are you saying that that was one of the big gains that he could have made?

MARGOLIS Yes. It's a different way of looking at the world, and I think that you can approach it either way you want to. I think one is a means to the other. You can do it either way. I think he was taking the lazy man's way. It's a lot harder to do it the way we were talking about, but it's a lot better to do it that way.

HICKE Why did Hale Champion feel this way?

MARGOLIS Because he's an elitist.

HICKE He didn't want to do it in the first place.

MARGOLIS Yes, right. He thought it was more important to make the big inroads. But he was approaching it purely from the standpoint of the governor's interest, not the interest of the whole government. He didn't make it his concern as to whether the governmental system was better or worse, he was looking for advancement for Pat Brown, advancement for himself.

[End Tape 7, Side A]

[Begin Tape 7, Side B]

MARGOLIS This was opposed to our view of how political leadership should function in the state government. I've drawn two major lines of this development. The third line that I would draw is that at the same time, you had the rise of the Democratic clubs. With an administration and majorities in the legislature, it was a lot easier to interest Democrats in being more politically active, and so clubs were formed and the rise in the CDC took place.

 The CDC, under Alan Cranston's leadership, became somewhat more left of the center of gravity of the Democratic party. It described itself as issue oriented, which is a shorthand way of saying that they were more interested in passing resolutions than electing people to office. They passed resolutions that bore out their hearts' desires without regard for whether it helped in elections or was in accord with what the electorate was likely to vote for or not. The split between elected government and unofficial party deepened.

 When there is not a strong party organization, then the elected officials fill the vacuum and become the party organization. The members of, say, the Democratic Central Committee or the Republican State Central Committee are appointed by elected officials, and they then appoint their allies, and it reflects the needs of the elected officials. This is not what party responsibility is supposed to be about, but that's the way it functions when you don't have a party organization that can win elections, that can designate candidates or punish those who thwart the party's policies.

 So the rift grew between the clubs on the one hand and official party on the other. The party people thought the clubs were irresponsible in passing resolutions that were going to hurt candidates for election, and the clubs thought that it's more

important to express the policy viewpoints than it is to elect people. The quarrel is explained in a book called *The Amateur Democrat* by James Q. Wilson, a Harvard political scientist. It was published in 1962 by the University of Chicago Press, Chicago, Illinois.

HICKE: Based on the California experience?

MARGOLIS: Largely based on the fight between the clubs and the party officialdom. It's a very good book.

HICKE: I'll have to look that up.

MARGOLIS: Pat Brown, for reasons I don't understand, allied himself with the CDC and its most left wing expression, despite his election as a moderate Democrat. He aligned himself with what we thought was the fringe of the party, and that produced the third line of division, because Unruh, being not only an elected official but a prominent elected official, a prominent Democrat, was even more invested in the elected official part of the party, rather than the amateur, nonprofessional, citizen party member.

HICKE: How do you explain Pat Brown's alignment there?

MARGOLIS: I don't know. Perhaps he thought the wind was blowing in that direction. Pat was a very weak man. He was a nice man in the sense everybody says: avuncular, friendly, charming, good natured, or good hearted. But not very smart. Not very tough. Not very practical.

Anyway, those were the dividing lines. Now let me tell you the fourth, which caps it off. We'll cap it off with this, an event that really underscores all of these things. Early on, in 1960, Jesse Unruh decided that Jack Kennedy was the future of the Democratic party and aligned himself with Kennedy. Pat Brown, in keeping with all of the things I've told you about him, aligned himself with Adlai Stevenson. Jesse Unruh, as I told you, when I came aboard was running the Jack Kennedy campaign in southern California and Pat Brown was wavering. He was for Stevenson, but he couldn't quite bring himself to make an official endorsement and he couldn't quite bring himself to embrace Jack Kennedy, and

he floundered. This was typical Pat Brown. He flipped back and forth the same way he did on the Caryl Chessman execution. He just flapped back and forth and never quite made up his mind, or got on the bandwagon too late. This was typically the way he did things.

The convention took place in Los Angeles and Kennedy was nominated. The election took place and Kennedy was elected. If you believe the results from Texas and Illinois, then Kennedy was elected, and I believe them. Soon after I got to Sacramento and started working on the Ways and Means Committee staff, I was just getting introduced to the players. I had not met Hale Champion up to this point. One night there was a party at the home of Jack Burby. Jack Burby succeeded Hale Champion as the governor's press secretary. Jack Burby is now a senior editorial writer of the *L.A. Times*. He'd been one of the two assistant press secretaries, and he succeeded Hale Champion when Champion became executive secretary, and then director of finance later. But he was now executive secretary to the governor.

There was a party at Burby's home which we attended. This would have been in December of 1960. The Kennedy cabinet was still being put together in anticipation of the start of the administration in 1961. Nine of the ten cabinet positions had been announced and filled, and there was nobody from California. The remaining cabinet position was postmaster general, and Pat Brown was working for the appointment of State Senator Hugo Fisher of San Diego to be the postmaster general.

There was a meeting on that day in Los Angeles of an organization called the Democratic Associates at which Jesse Unruh, Pat Brown, and Hale Champion, among others, were present. The Democratic Associates were the more affluent Democrats organized in a kind of a luncheon club in Los Angeles, and the then president of it was J. Edward Day, a vice president of Prudential Insurance Company and a lawyer from Chicago. Jesse

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was at the luncheon wandering around. Jesse rarely sat down. He'd wander around, talk to people, was always antsy and moving and doing things. He got a telephone call. There was a head table, and he had to walk along the back to get to the area where the telephone was. It was a call from [Kenneth] Kenny O'Donnell, who was the appointments secretary in Jack Kennedy's administration. Pat Brown was at the rostrum telling people that he had it on good authority that Hugo Fisher was going to be the postmaster general of the United States.

Jesse had gotten this phone call in this vestibule off the dining room, and was talking to Kenny O'Donnell. O'Donnell said, "Jesse, we're just about to wrap up the cabinet and we don't have anybody from California. The only position left is postmaster general. Whom should we appoint?" Jesse said, "I understand you've already made your choice, and you're going to appoint Hugo Fisher." "No," he said, "that's not true." We, he said, meaning the Boston Mafia, which had been out of town and consisted of O'Donnell, [Richard] Dick Donahue and others. The names are getting away from me. We were in Texas with the president. "I think Lyndon Johnson, who was the incoming vice president, had had something at the ranch, and they were all down there. While we were out of town, the Harvard boys got the idea they could take over and started to announce appointments. The Harvard boys were [Arthur M.] Schlesinger and [Theodore] Ted Sorensen. (I've forgotten who all made up the Harvard boys but they were the Stevensonian types in the Kennedy administration, and they had tried to take over.)" "But don't pay any attention to it. We've reversed all that. So who do you want for postmaster general?"

Jesse told me later that, momentarily, he couldn't think of anybody. His mind went blank and he couldn't think of whom to recommend. So he looked around the room and he said to O'Donnell, "There are lots of people who are better qualified and

MARGOLIS who have done more for the party than Hugo Fisher " He looked around the room, and presiding was J Edward Day He was the president of this Democratic Associates "Ed Day, for example, has done a lot more than Hugo Fisher ever did for the Democratic party ' So O Donnell said, "Done "

HICKE Oh, for heaven's sake

MARGOLIS And they announced J Edward Day s appointment As Jesse was walking back to his place at the head table he had been seated at the other end of the head table from where the telephone was located he walked behind Pat Brown, who had now been introduced and had introduced his good friend, Hugo Fisher, who 'on good word is going to be appointed postmaster general," and Jesse said to him, *sotto voce*, as he walked by, "Don't count your chickens, Pat," and took his place at the table Later that day, they announced from Washington that J Edward Day had been appointed postmaster general

I was at the party at Burby s house At about seven o clock, the plane from Los Angeles came in and Hale Champion, having been at this meeting, was on it He arrived at the Burbys and he was absolutely furious He was just boiling hot about this event that had taken place in Los Angeles Soon after he got a drink in his hand, he was introduced to me as Jesse Unruh s new assistant on the Ways and Means Committee He blew his stack and he said, "That fucking Unruh That son of a bitch " I didn t know anything about what happened I didn t know where he had been or anything about this whole event But he said, "You know what that son of a bitch did? ' He was really boiling So he told me his version of how Unruh had upset the apple cart by calling Washington and telling them to appoint Day against the governor s wishes

This was the first I knew about what had happened I thought it was pretty cute I have, even now, this absolutely crystal clear vision of Hale Champion, who s rather rotund as I became

shortly standing there with his drink The Burbys had this absolutely pure white couch Hale was standing there with his foot on the couch, which I thought was the most offensive thing a person could do And he was smoking a cigar and flicking the ashes on the rug Hale is not that kind of a guy, really, but he was so mad he was just out of character, and he was telling me all this I said, Did you guys ever consult with Unruh about it?" That blew him even higher He said, "Why the hell should the governor have to consult with that pipsqueak, stupid, son of a bitch Unruh?" And he just went on and on about it I said, Well, if you don't, look what happens We didn't talk further

There's more to the events that showed the breach that was occurring between Jesse Unruh and Pat Brown, but these are the main things that it was about These were the origins, these were the roots of it And this is where it happened and how it happened along the way There are other things, like the governor's commitment not to run for a third term and to support Jesse Unruh, which has been written about, and his breach of that commitment

HICKE Maybe we can pick up next time with some of those things I know it's been written about but I still want to get your insight

MARGOLIS Events like that represent the acting out of the breach in its later stages, but these were the events that were at the origin With that, I guess, we'll have to stop

[End Tape 7, Side B]

[Session 4, March 10, 1989]

[Begin Tape 8, Side A]

HICKE Last time, we had gotten onto the subject of the split between Unruh and Brown, and the CDC was another thread in there. You had just finished telling me about the 1960 campaign, when J. Edward Day finally got appointed

MARGOLIS Postmaster general. And Hale Champion was all up in arms and fuming about it.

HICKE That was a good illustration of how the split was taking place. I wonder if we could just develop it on from there.

MARGOLIS The in between was a lot alike, just repetitions of the same things. But the culmination of it came in 1962. The high point of their disaffection occurred as a result of the 1962 gubernatorial campaign. It really didn't act itself out until 1966. But in 1962, Richard Nixon, who had been vice president of the United States, decided to run for governor of California, because he saw that as the avenue to his getting to the White House. Pat Brown was completing his first term at that point.

There were a number of strategy sessions that were held by the Democrats who felt great fear. The vice president of the United States is a pretty elevated position. Even though Nixon was considered a bad boy of the Eisenhower administration, still, the position is of such prominence and he was noted as a very able campaigner, so there was a lot of concern among the Democrats about how to defeat him.

I heard a story long after. I'm getting ahead of myself here. I recall one evening that there was a strategy session at the

governor's mansion to which I was invited along with Unruh. Present were Hugh Burns, who was president of the senate. I don't remember specifically but I think it must have included people like Bob Crown and [Assemblyman Jerome R.] Jerry Waldie, who were, respectively, the chairman of the [Assembly] Ways and Means Committee and the majority leader of the assembly, and clearly others. My recollection is that it was a group of about ten or fifteen people who were having dinner with the governor at the mansion, and the purpose of the dinner was to discuss the 1962 campaign and how best to campaign against Richard Nixon.

The discussion went on through dinner and afterwards, over cigars and port. Everybody's advice was that what the governor had was experience in state government and that he should emphasize that at Nixon's expense. If he campaigns hard and the whole Democratic party is pulled together, which followed from the fact that Nixon was the opponent, Pat might have a chance of standing Nixon off.

This is really a digression because it doesn't have much at all to do with the Unruh-Brown split; it has to do with the Brown-Brown split. You'll see what I mean. I heard this story, and I don't know whether it's true or apocryphal. But it has the ring of truth to it. That evening, [Edmund G.] Jerry Brown [Jr.] was home on vacation. It could have been Easter vacation or something. At that time, he was in law school at Yale. He was home and suffering from a cold. His nose was red and runny. I recall he was wearing a maroon, slipover sweater. He was loping around the edges of this strategy session. He wouldn't sit down at the table but he was wandering around in the shadows. It reminded me of the image of a campfire and a coyote just outside the light of the fire, slinking around the edges.

I'm told that afterwards I think this may have appeared in print somewhere, I'm not sure. There was supposed to have been

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a conversation between father and son, and Pat said, "Jerry, you heard all that. What do you think of it?" Jerry is supposed to have said, "I think it stinks." He said, "Oh? Well, what would you do?" He said, "That's your problem." They broke off the conversation. It seems to me that it fit exactly with Jerry's character and said a lot about the way he behaved from then on, but whether it's true or not, I can't say. I wasn't there for that part of it.

What follows *has* appeared in print, I know, at least in the [Senate President pro tem James] Jim Mills book¹ and probably in the Lou Cannon book², that there was a session following that in the governor's office, which involved Jesse Unruh and Bob Crown. Bob Crown was the source of this story and told it and absolutely swore that it was true. Pat Brown was so worried about the 1962 campaign that he said to Unruh, "If you will manage my campaign in southern California, manage the get out the vote drive and the registration drive in southern California and pull me through, I will not run for a third term but I will support you to run for governor in 1966." The Jim Mills book gives a very vivid account of it, because he reports Crown as having told him that when the governor raised his hand, he could see a depression in the middle of his hand, almost like the place where a bullet could have gone through, as though he might have had an injury at one time. There was this depression in his hand, and Crown was taken by it as he saw Pat raise his hand and say, "I swear I won't run for a third term and will support you." Brown, of course, has denied this in print. It has come up a number of times.

But Mills says that following the '62 campaign, he [Pat Brown] promptly ignored the pledge and, after his third term, had intended to support Hale Champion to run for governor. I don't think very many people know that Hale harbored such ambitions.

1 James Mills, *A Disorderly House* (Berkeley: Heyday Books, 1987)

2 Lou Cannon, *Ronnie and Jessie: A Political Odyssey* (Garden City, New York: Doubleday, 1969)

MARGOLIS Apparently that was the case. There's quite a bit about this in the Mills book. He focuses very tightly on that question.

I told you about the Ways and Means Committee investigations and textbook burning and the problem of zeroing in on waste and inefficiency in the bureaucracy and how they had differed over that. Problems arising out of that condition were always present and always a part of the disagreements between the two of them.

HICKE Would you say they had different goals?

MARGOLIS They at least had different perspectives on what the main problems were and what needed to be done to be successful politically. I think that's really more of it than different goals. I think their goals may very well have been the same. I think they were the same, except that in Pat Brown, they were very generalized, without any clear idea of how to achieve them, whereas in Unruh, they were much more operationalized and more focused on what needed to be done to reach them. There were some examples I wanted to give you but I've lost the thread of which ones I was thinking of.

HICKE You just talked about the textbook burnings.

MARGOLIS The point I wanted to make was that there was an institutional development that was occurring that fed this animosity. It wasn't just two people with different power objectives or scenarios. It's too easy to treat it as two people who didn't get along or had different values, although a certain amount of that was present. But in building the strength of the legislature, which was a major Unruh initiative and accomplishment, it inevitably meant sowing dissension between the legislature and the executive branch.

If you consider that in the past just on this one dimension of the legislature's multifarious relationships among all the actors of the political system, if you just talk about the legislature and the governor, the legislature was subservient to the governor. If there was a majority of the governor's party in the legislature, then they dutifully carried out or, to put it in its extreme form, rubber

stamped the governor's program so the governor would focus his attention on all the other things, like the economic interests or his political supporters outside the government, or grappling with the social problems. At least, those were the points of the focus of his attention.

But when the legislature started to grow in autonomy and strength, this became a battleground. The governor was losing power, then, in that relationship, and the legislature was gaining it at his expense. He chose to treat it as a personal battle between Unruh and himself.

But much more of it had to do with this changing relationship. There's a theory in political science that conflict is most intense when relationships are changing. This is expressed, for example, in the book by [Eugene] Gene Lee on partisanship in California.¹ He plots the rise in partisanship from a fairly tame relationship between Republicans and Democrats throughout history. Then, in the fifties and sixties, it started to change. He posits the thesis that interparty conflict becomes most intense when the ratio is changing, not when it's stable. You can have a very small minority or a very narrow majority over the minority, but if it's stable and persists over a long period of time, the relations are rather peaceful. But whatever the change, if the balance is changing, then conflict is very, very sharp, and he documents it. I think [William] Buchanan has a book also that goes into that. It was very apparent in the Brown Unruh relationship that the balance was shifting. It wasn't making the legislature dominant over the executive branch, but the legislature was becoming less subservient to the executive branch.

HICKE

I read that that was one of your philosophical ideas more or less, the independence of the legislature.

¹ Eugene C. Lee, *The Politics of Nonpartisanship* (Berkeley: University of California Press, 1960).

MARGOLIS

Indeed That was the clear cut purpose, to free the legislature from subservience and dependence on any of the other forces, of which the executive branch was one It was illustrated by the business of kicking the governor s representatives or the state agency representatives off the floor of the assembly Unruh was trying to assert the autonomy of the legislature against all comers the press, the Third House that is, the financial interests and economic interests against everybody

I told you Bob Monagan thought that we were more party partisan in our management of the assembly and the staffing than I think we actually were What we were building was loyalty to the legislature as an institution We were trying to find people who would be partisan as hell, not party partisan but institutional partisan This was often misinterpreted as party partisanship But part of that same business of building autonomy was to have a staff across party lines who had that loyalty to the institution and served its interests against other competitors

I don't know too much more to say about the strains and tensions between Unruh and Brown There was a very strong personality difference between them Brown was wishy washy, he didn't know his own mind, he was not really professional He was truly avuncular good hearted, gentlemanly, just a touch courtly, and well intentioned but not very well organized mentally Often there were meetings in the governor s office for which I was present in '62, '63 Often when Unruh was called to a meeting in the governor s office, he had me there Here again, he was reacting to the fact that the governor would have Hale Champion there In the past, if the governor called legislators, they came alone, and he could have a whole array of staff sitting there, flanking him and providing him with ammunition But the others were supposed to come alone Unruh insisted on bringing me It was, again, the assertion of this comparable authority, which just angered and irritated the governor all the time

HICKE

Did you participate in the discussions?

MARGOLIS

I did, but deferentially. I wouldn't get out in front on things. I'd either feed some notion in or I'd make an opening that I knew Unruh could follow in on or raise a question that he might have forgotten was on the agenda or something like that. But I wasn't a leading figure. Very often, I sat through the meeting without saying anything but registering what I thought about it, and would talk to Unruh about it later and tell him what I thought was happening.

The point I was getting to was that in most of these meetings, on any subject, whether technical, political, when any tough question ever came up, if somebody were to ask the governor a question, his eyes would shoot to Champion. Sometimes he'd answer the question but it was just a dead giveaway that, the moment the question was asked, he'd look to Champion, who'd be sitting a few feet away from him.

HICKE

And then did he register some

MARGOLIS

Champion would often tell you the answer. He would take it as, "What do you think, Hale?" Sometimes the governor would even say that. But most often, even when he answered himself, his eyes would flash over to Champion. I think he didn't trust his own judgment. He wasn't on top of what he was doing. He was a weak person, and Unruh was a very strong person. They were bound to clash. These personalities were just totally different. Unruh believed that you live by what you decide and you die by your mistakes and you take responsibility for what you do, and the governor was just playing at it, comparatively.

Now, none of this is intended to take away from what were thoroughly great achievements of the Pat Brown administration. I know currently there's an article in I think it's *The Golden State Report*, it's called "The State Pat Built." I don't disagree with the thesis. Of course, they've got an easy case to make because the two succeeding governors, Ronald Reagan and Jerry Brown, and

now the three succeeding governors including George Deukmejian have let the state go to hell in a hand basket I think the last two, more, actually, than Ronald Reagan But they've let the investment in the long run, in capital improvements and in long run payoff things, they've let it go to hell I think the state is paying the price and is going to pay it more severely in the future as a consequence of this neglect So at least by comparison to his successors, Pat Brown was a great builder

Then, quite apart from the comparison, his administration did do a lot of things, some of it as a result of the fact that the partisan dam broke The Democrats came in with this whole backlog of unfulfilled legislative objectives that were enacted But I think he deserves credit for taking the lead on some very far reaching things, like the California Water Plan, a major development project, and many other things

So it's not the state that Pat built, but Pat contributed a lot to the growth and development of the state He was a positive force, I think But I also think the Democrats could have stayed in power longer if he had been more assiduous about the bureaucracy and the waste and had been more on top of his job politically I don't mean to take away from his accomplishments, but they were accompanied by some very great weaknesses too I don't know much more to say about that relationship I think that pretty well covers it

I want to tell you a famous story It's been in print too I think it's in the Cannon book This must have been in about 1964 There were some floods in northern California The governor decided to inspect the flood damage by helicopter, and he was pictured in a lot of the newspapers wearing one of these Norwegian fisherman's slickers as rain gear, and he had been up flying over the northern Sacramento valley He returned to the base camp, and the press all charged him and asked him, "How bad is it, Governor?" He said, "It's the worst disaster to hit this state

MARGOLIS since I was elected governor ' [Laughter] That was kind of like Pat Old Pat was sort of like that

Also, his wishy washiness reached a peak, at least, in our patience, when Sometime in the early sixties, we wrote a mock press release The governor had just finished doing something that irritated the hell out of us by refusing to take a clear cut stand on the issue I don't remember what it was that piqued our impatience, but I drafted a press release There had been a news item that up in the Sierras there was deep snow and wolves had broken into a cabin and attacked the couple who were living there It took heroic efforts to beat off this attack the couple barely survived This was the news item

So we wrote a press release about Governor Pat Brown commending this couple for having staved off this attack by the wolves in their northern California cabin He said it took heroism and courage to do that On the other hand, the governor refused to condemn the action of the wolves and explained the wolves were one of our great natural resources [Laughter]

HICKE Acting in their accustomed manner

MARGOLIS Right He didn't want any of this to be interpreted as an attack on the wolves [Laughter] That symbolized how we felt about his wishy washiness

HICKE Did you find yourself then going to top Democrats or party leaders rather than the governor?

MARGOLIS For what?

HICKE For whatever you would have normally gone to the governor for a decision

MARGOLIS Jesse relied more on himself and his colleagues The only question for him was, would he be able to have the senate Democrats go along or not? The critical relationship was between the assembly and the senate, and if they were together on something, they could pretty well turn Pat Brown around they could run him over He wouldn't wield the veto the way Deukmejian has with majorities of

the other party in control. They wouldn't goad him that far, anyway. They would usually succeed in turning him around if they had a strong position. You would only go to somebody for political resources to accomplish something, and those resources were all contained in the legislature. If you had the senate with you, from the assembly's vantage point, you had it made. This was before the taxpayers' revolt. The press was always a problem but it wasn't uniformly antagonistic. That was a little more of a problem than whom to go to for political support.

HICKE: How did you deal with the press? What was your relationship with them?

MARGOLIS: It was fairly antagonistic throughout. The press has a couple of institutional biases that made it difficult for us. For one thing, they like to be able to go to a single spokesperson for reactions to events, and the governor, by institutional nature, has that sole voice position. That makes it much easier to get an authoritative statement than you can get from a legislature, which is a pluralistic body. Even if it has strong leaders, there are at least four of them: two houses and two parties. So you just have a logistical problem getting an authoritative statement. So there's that bias.

The other is that the press tends to get their hackles up in reaction to strong personalities. The media creates the pabulum of the political process. They want things to be bland and nonthreatening and predictable. They liked Pat by personality much more than they liked Unruh. Pat was such an easy target; he was such an easy mark. He was friendly and didn't challenge them, didn't cause them to have to hit the books to figure out what he was talking about.

[End Tape 8, Side A]

[Begin Tape 8, Side B]

MARGOLIS: Unruh was feisty by nature and challenging. That's part of a strong personality. He would goad them and he would make cracks that

revealed their foibles, and they didn't like that. It was irritating. They wanted to see him get his comeuppance. If they could jump on him for something, they would like that, and they would go after him like a pack of wolves.

Now that wasn't the uniform press position because, on the other hand, he was always good for a story. He was very, very sharp, very fast, and facile. He could take something that's happening and just hit it with a pun or some cute quip. He also had this great sense, similar to some other great communicators, of how to put things in a way that would fit into a newspaper headline. He knew how to summarize it in a word or in a phrase. He was very good at synthesizing things, boiling complex things down to their essentials. So he was always good for a story, and they trailed after him. Anywhere he stopped outside his office, whether it was the floor of the assembly or in the halls of the Capitol or the street or in a restaurant, they'd collect around him. He was always trailing these people. If he came into a room, they'd leave whatever they were doing and move over to him.

So he got a lot of press but it often had this edge to it that he was the "Big Daddy," "Boss, the Big Daddy of *Cat on a Hot Tin Roof* and the boss of the legislature, and they didn't quite understand the sources of his power and they were suspicious of him. But even when they were quoting something funny that he said and they were loving it, they were setting it in this patented context that there were things that don't meet the eye about him. This, over time, built an image that caused him great difficulty. Sort of a suspicion about what his actual intentions were?

HICKE

MARGOLIS

Yes. There were a lot of people out there who said, "Boy, I like that guy. He says what he thinks and he's real and he's earthy. There were also a lot of people—and these were more of the liberals and the elitists—who felt that he was faintly corrupt and somehow untrustworthy and superambitious and willing to cut corners. That was all press image, largely. Once in a while he did

things that justified that treatment but not often, not nearly as often as he was given it. It was more institutionalized, patented treatment, it fell into a style and a pattern that they were comfortable presenting.

HICKE

I was just thinking, it sounds more like his style rather than the essence of what he was actually doing, as opposed to Brown's style.

MARGOLIS

Yes, that's right. That was one of the things that infuriated him about the press and also about the CDC and the liberals, was that they were more preoccupied with matters of style than substance, and he felt that he was doing the things that they were mouthing support for and, actually, that Pat Brown was dumping things of importance to them just by ineptitude or lack of courage. And yet, they liked him better than they liked Jesse Unruh. So that's the press relationship. There's a lot of that in the Cannon book.

There are a lot of press people around who probably should be part of this oral history. By the way, is Jack Burby one of the people on your list of interviews? He would be a pretty good one. Jack Burby was press secretary following Hale Champion. He'd been assistant press secretary when Hale Champion was press secretary to Pat Brown, and then he succeeded Champion as press secretary. I think for the rest of the Pat Brown administration, Burby was press secretary. He is now a senior editorial writer at the *Los Angeles Times*. He became a friend and a fan of Unruh's in the eighties. He's a long time observer of these things and he knows the two men intimately. I don't think he would ever say anything very derogatory about Pat Brown, but he had a pretty good appraisal of both men. I would think he'd be somebody to talk to. He's a pretty smart fellow and reasonably honest.

HICKE

What was your own relationship with the press?

MARGOLIS

I was suspicious of them, I didn't trust them. There were some people who'd been around a long time. You got used to knowing who would blindside you or who would try to do you in. But it was the enemy. It was an armed camp. The press never regarded me as

having that much significance. The only time they ever paid much attention to me was when my salary got to be \$27,000 a year. It made headlines all over the state. [Laughter] That was all they were interested in, I was the highest paid staff member in the assembly. I don't think I was in the whole legislature but I was in the assembly.

There was one other time when I made headlines. I'm talking about when Unruh was speaker. The earlier time was that Hugh Burns had approached Jesse and asked him to help out with a bill that would permit C. D. Alexander, who was his chief staff guy for the Senate Rules Committee, of which Burns was chairman, become a member of the Legislative Retirement Fund, because he'd been there many years. It meant a handsome retirement package for him. There had been no retirement arrangement for people who worked for the legislature at that time. It was much later, after I was gone from Sacramento, that legislative staff were included in the Public Employees Retirement System [PERS]. As a consequence, I was able when I came back to work in the treasurer's office, to become a member of the system and to buy back the time for the years I worked for the legislature. I'm still paying in for those years.

Unruh agreed to author the bill. The press, of course, assumed this was the "Margolis Retirement Bill." I wasn't in it, I wasn't eligible to be in it. It was so specific as to how many years you had to work to qualify that it was tailored for C. D. Alexander, but we never said that. Every time the press referred to it, they called it the Margolis Pension Bill.

HICKE

And you were unable to correct that?

MARGOLIS

I didn't care to. It would have meant saying who it was for.

HICKE

I don't know if those headlines are the kind you desire so much, after all.

MARGOLIS

Of course, I made headlines again more recently when I told the facts about Jesse's illness. It was very upsetting to him, it cost me

dearly. It was sort of inadvertent. I didn't intend to do that. But I talked to a guy who publishes a newsletter, thinking that we were backgrounding, and he went to print with it. Then, of course, I became the source for what everybody knew. This was in 1986. Everybody knew that Jesse had cancer and was dying, but there was nobody you could quote. I became the source, and so it went all over.

This gets way ahead of the story, but it resulted in my taking a beating at the hands of the woman whom I call the "Dorothea Montalvo Puente" of the treasurer's office, the woman [Elizabeth Whitney] who was chief deputy treasurer, whom Jesse left behind in the office when he died, and she beat up on me pretty badly. She used that as an excuse to drive a wedge between Jesse and me. She was able to work on him about that because he was trying to keep the illness secret. I had misgivings about that, which was part of the reason I went into print about it. We'll come back to this, I guess, much later on, on the part about the treasury, I guess.

HICKE

I do want to talk about that. Let's get back to the Brown Unruh split which, as we started to say, actually did culminate in 1966. Am I right on that?

MARGOLIS

Yes. In the end, when Pat Brown did run for the third term, he lost the election to Ronald Reagan, and that pretty much culminated it.

HICKE

But this pledge that he had agreed to support Unruh.

MARGOLIS

He reneged on it. Nevertheless, you might think, given the personalities and the stakes, it might have been a total breach and out and out warfare or something like that.

Actually, that was my recommendation. I had more complex reasons for it, but I advised Jesse to run in 1966 against Pat Brown in the Democratic primary. I thought Jesse could beat him. It looked to me as though the Democrats were losing it and that something really dramatic had to be done to regain the initiative. Part of it was because of the deal made with the bureaucracy, and things were slipping. There would be outbreaks of evidence of

waste or corruption, the inevitable things that happen in an administration, and it seemed to me that the Republicans were gaining strength out of all of this, and that also happens naturally. When you have an administration of one party for some length of time, it inevitably accumulates barnacles, and the other side can be irresponsible and gain ground in public affections in reaction to all of this. So it was doubly necessary to run a very tight ship, it seemed to me and us, to be able to overcome those natural tendencies, and that's where we had that deep disagreement.

Now it seemed to me, given that the momentum was moving to the other side, that it would be necessary to really do something dramatic to stop it. That entailed going against Pat Brown and beating him. If Jesse were able to do that, it wasn't by any means a certainty in my mind but it was worth a shot, I thought. Then it would be possible that Jesse could win the governorship. As much as I didn't like to see that development of intraparty struggle, I knew that Ronald Reagan was a strong candidate and that he would be very difficult to beat. But if there was any chance at all, it had to be by somebody who was coming at the campaign from the role of giant killer, as Unruh would be, beating the incumbent in his own party. Then he might have a chance against Reagan in the general election.

Here again in the 1966 campaign, Pat Brown and Hale Champion, political wizards that they were, and I say that sarcastically, tried to engineer an effect on the Republican primary. The candidates were George Christopher, who had been mayor of San Francisco, and Ronald Reagan, who was the southern California upstart movie actor. Pat Brown was absolutely sure that he could beat Ronald Reagan but that George Christopher, being from an old family and a political tradition and a moderate Republican, would be very difficult for him to beat. He totally ignored, and this, of course, has always been the fatal weakness of northern California politicians, the tremendous

- MARGOLIS weight of the population in southern California and the media domination of politics that southern California represents
- HICKE The *L.A. Times*?
- MARGOLIS I'm talking really more about television and the electronic media generally. The *L.A. Times* is an important piece of it, as a matter of fact. So Pat and Hale did whatever they could, by indirection, with the press, and other ways around, to try to knock down George Christopher's chances. They leaked negative information about George Christopher in the hopes of helping Ronald Reagan beat him, which he did, because they thought they could beat Ronald Reagan, a movie actor after all. Jesse was always aware that was the wrong way to campaign, that he shouldn't put Reagan down, that he had a wide following, a lot of celebrity adoration.
- Anyway, I had urged Jesse to run. Jesse was not in a position to do so. This, I think, opens up some really interesting things about him. His family was in a mess. He was very unhappy with his marriage and his children. The family was in turmoil. The kids were growing and they were difficult to handle. He felt that he'd made a mess of things there. Of course, his escapades outside the marriage were not helping any because, being as prominent as he was, it all filtered back. That was one set of things. The way he put it, when we talked some years later about that, was that his head just wasn't screwed on right to do it. He just didn't have it together to be able to do it. It would have taken such a tremendous effort. Things were in too much disarray in his own head and in his family, he just hadn't sorted things out sufficiently and wasn't in sufficient control, in his view, of his life to be able to do it.
- There was another extremely interesting reason why he didn't do it, and it has to do with a slice of his character. The fact of it is clear to me, but I don't totally understand it. No matter how much he fought with Pat Brown, he had a feeling about the awesomeness of the office of governor and whoever was in it. He could disagree; he could think that the person was an idiot; he could ridicule him

At the same time, he couldn't take action against the incumbent, especially an incumbent in his own party. It was almost like a feeling of reverence for the position, the office, and he stood in awe of it no matter how big an idiot was in it. To go against that was like regicide; he just couldn't bring himself to do it. He felt too much. I suppose he would say respect, I would say awe or reverence for the office and its incumbent. He just couldn't bring himself to do it.

The other reason I wanted him to run, apart from the giant killer potential, was that Jesse had momentum at that time, and I had this belief that you have to do what you want to do when the momentum and the opportunity are there. You can't sit around and wait. The timid people who say they really want to run for governor or they want to run for senator but this isn't the right time because so and so's too strong so they're going to wait until the next time, never run. The next time, there's going to be somebody else there who's got momentum, it never works that way. You have to go when the momentum is there and when the opportunity is there.

That was my strong conviction. After his decision not to run in 1966, he was in a condition which I described as "hanging in irons." He wasn't going anywhere; nothing was happening. He felt cheated by Pat Brown and disaffected from the administration, because he had been promised that if he delivered and he delivered in 1962 he would get the next shot at running for governor. I guess I left that part of the story out. The way he delivered was by running a tremendous registration and get out the vote drive in southern California.

I know because I was pulled out of Sacramento and took leave from the legislature on account of it. I was one of the first people to engage in that practice that I so much disagree with today, the practice of using legislative employees in political campaigns. I took leave from my position as chief assistant to the speaker or as

MARGOLIS an employee of the legislature to run the Los Angeles County part of that campaign while Jesse managed the whole southern California effort My doing that took me out of law school

I was in night law school at McGeorge [Law School] while all this was going on, and I'd completed a year of working in one of the toughest jobs in the state in the daytime, raising a young family our kids were born in 1961, 1963, and 1965 and I was going to night law school and doing well I was getting A's and B's and I was enjoying it I love the subject of the law

The campaign required that I move down to Los Angeles with the family We went down there for seven weeks, which was just about coterminous with a quarter in law school In night law school, you had to sign up to take the bar [examination] four years from the date you enrolled If you missed a quarter, you couldn't make it up, you'd run over the four year period So it was hopeless I would have had to take two quarters simultaneously I was barely hanging in with one quarter, and I couldn't do it, so I was wiped out of law school

Anyway, we had one hell of a campaign, introduced paying precinct workers, which drove the CDC crazy because it was professionalizing what they preferred to do amateurishly What we were doing was giving people money for baby sitters so they could work the day on getting people out to vote, providing rides for people, and so on We won the election The margin in southern California elected Pat Brown over Richard Nixon, and it was considered pulling off one hell of a feat

HICKE What was Brown's reaction at the time? Did he offer some gracious thanks?

MARGOLIS I'm sure he felt that his wisdom and sagacity pulled him through People tend to do that

HICKE His sagacity in getting Jesse Unruh on his side

MARGOLIS [Laughter] So in '66, Jesse felt let down, betrayed, disaffected He had no role in the campaign, didn't want one I didn't know where

things were heading in terms of the majority in the assembly I wasn't in a position to predict that two years from then, the Republicans were going to become a majority, as happened, but I did think that things were not going anywhere for Jesse and for the Democrats in the legislature So I took off then

HICKE

You resigned?

MARGOLIS

It wasn't quite like that I'm not sure that I wasn't slightly pushed as well as jumped, but leaving gave me the opportunity to do a couple of things During much of the time I was working for the legislature, I was in charge of the internship program, which had started as the Ford Foundation Internship and later became the Assembly Fellowship Program I was the assembly's representative on the selection committee, the management on behalf of the assembly of the program In the committee we had the faculty representatives of the institutions which were participating They were Stanford, Cal [University of California, Berkeley], USC, UCLA, [the] Claremont [Colleges]

Heinz Ulau was the Stanford representative and had just become the director of the Institute of Political Studies at Stanford He asked me to entertain the notion of coming to Stanford with him to teach a seminar on legislative behavior and legislative politics The field wasn't thoroughly defined at that time I think we may even have called it legislative research, by which we meant research about the legislature as an institution, not research for the legislature on policies

Through working with Unruh in national legislative organizations, I was involved in things like the Eagleton Institute program at Rutgers University Jesse was a faculty member in this M.A. program It's a combination of practical work and academic training in political science Also, the American Political Science Association was sponsoring various kinds of seminars and conferences with grants from the Ford Foundation and various other sources

The American Political Science Association had been conducting, with a Ford Foundation grant, the well known Congressional Fellowship Program. This was a year in which an academic would be on the staff of a congressman or senator and would attend seminars and write a paper. In part as a consequence of what Unruh and I had accomplished in California, there was beginning to be a great deal of national interest in the legislature's role and in the state role in the federal system.

So out of all of that, the then executive director of the American Political Science Association, Evron Kirkpatrick, now more famous by virtue of being the husband of Jeanne Kirkpatrick, came up with the idea of starting a state legislative staff fellowship, which would really work the opposite way. That is, you would take somebody from a key position in the state legislative staff and send him back to academia for retooling. So I was the recipient of the first one of those. I'm not sure I left any vacancy when I finished. I don't know whether there were any after me or not, I don't remember there being any. It may be that they didn't get the grant. They may have done this as a trial run.

[End Tape 8, Side B]

[Begin Tape 9, Side A]

MARGOLIS: They might have done this as a trial run and may not have gotten the grant. I would have known because I was in that business, and I don't recall that anybody else had a fellowship like that. However, when the American Political Science Association came along with a — Let's see, my salary was now this famous \$27,000 a year. So the American Political Science Association came along with a \$15,000 fellowship, and Stanford was offering me about a \$10,000 visiting lectureship for a year, and that almost equalled my salary. I was able to persuade Unruh and the Rules Committee of the assembly to retain me as a consultant for the assembly.

Committee on Intergovernmental Relations for a stipend of about \$6,000

So with these three things, I decided that I would take a break I needed time off At the time, I described my condition as feeling a little bit like a watchmaker who knew more and more about how to make a watch but less and less about what time it is

Also, books and articles were beginning to be written about legislatures Much of this literature was coming from the American Political Science Association's Congressional Fellowship Program, because those academic people who spent a year in congress were now writing books Richard Fenno's famous book on the appropriations process, Aaron Wildavsky's on the budget process There were so many, I can't remember all of them These were all the things that we dealt with in our seminar at Stanford The authors were mostly APSA congressional fellows who were starting to write about congress, which was really the first substantial body of literature about legislatures

During the year I was at Stanford, I worked with Fred Riggs, who was spending that year on a fellowship at the Institute for Behavioral Sciences, located in Menlo Park Riggs is a prominent public administration professor, then in the University of Hawaii

He and Lloyd Musolf, then at [University of California at] Davis I think Lloyd is probably retired were the comanagers of a research project funded by AID [Agency for International Development] I worked with them as the administrator of the project during that year The project was an examination of the role of legislatures in economic development, a fascinating subject in the field of comparative public administration Its purpose was to try to identify whether and to what extent political development precedes economic development What we were really doing was organizing a group of scholars who had experience in or were willing to go to various countries and study the role of the legislature in the development process of that country These were

MARGOLIS

mostly Third World countries, so they were emerging democracies or emerging developing nations

The project included a conference held in New York at the state university campus near Oyster Bay. The papers read at the conference were ultimately published in a book called *Legislatures in Development*, of which Allan Kornberg and Lloyd Musolf were the coeditors.¹

I know the most impressive thing for me at the conference was meeting Bernard Crick, who is one of the leading political scientists in the world at the University of Sheffield [England]. In addition to the people who wrote the papers, there were two or three high ranking international political scientists who were invited to take part in the conference, and he was one of them. I got to know him some and read his books. He wrote a book called *In Defense of Politics*,² which I used in all the classes that I taught. It defined the theoretical basis of politics, along the lines of Aristotle in his time. I was really impressed with him. He made quite a dent on me.

Anyway, while I was at Stanford, I was working on that project too, and taking a couple of classes. I was really sampling the smorgasbord of academic life and enjoying it immensely. Thus, when the invitation to teach and the study fellowship came together, that just seemed like a very good thing to do.

At the same time, I think I was also being pushed a little bit. Unruh was feeling, I think, that he was going to have to hunker down and dig in—no more of this good government stuff or using up political chits for institution building and all that stuff that

Margolis goaded me into. Unruh felt I think, that he was going to have to cash in on his legislating power to translate it into electoral, political, gain, because he was pretty sure that he was going to run for governor in 1970. So I think what the people

1 Kornberg, Allan and Musolf, Lloyd D., *Legislatures in Developmental Perspective*, (Durham, North Carolina: Duke University Press, 1970)

2 Bernard Crick, *In Defense of Politics* (Baltimore: Penguin Books, 1964)

MARGOLIS around him The people around him were people like Frank Burns, who was an political advisor I doubt whether you could ever get anything out of Frank Burns for an oral history I don t think he would tell a lot, although you never know Frank Burns, by the way, is a partner of [Phillip] Phil Schott, whose building this is and who occupies the office across the hall here Schott is another guy who s been around the whole time, and very, very smart But whether these guys will tell anything or not, I have some doubts

HICKE You don t know until you try

MARGOLIS Yes, right But Frank Burns was a key advisor for all of Jesse s political life, and I think he and Jack Crose, who was deputy to me and succeeded me as the chief assistant of the speaker

HICKE He is on my list

MARGOLIS There too, I don t know if he ll tell you a whole lot They ganged up and decided I was a little too expensive in the sense that I was causing Unruh to spend political credits instead of gain them and that they were going to have to play political hardball to get Unruh from where he was into the governor s office They felt they could do it, probably with more freedom to maneuver, if Margolis wasn t around So I think I got a little shove out the door as I was heading out anyway

HICKE I think that s fairly complimentary, actually

MARGOLIS [Laughter] Maybe so

HICKE Before we get too much farther, I want to back up to more about the sixties Do you want to continue on with this a little bit more?

MARGOLIS Well, if we re at a breaking point right here, I d like to take a break

[Interruption]

MARGOLIS You want to talk about the Unruh CDC break?

HICKE Let me just ask a couple more things about Unruh and Brown Somewhere I read that Unruh and Brown could have worked it out except for Hale Champion s being there

MARGOLIS I've even read that they could have worked it out except for my being there, too. It was said that the fight was between Hale Champion and me, not Unruh and Brown. I don't agree with that. I think that's like trying to kill the messenger and is not serious. There is a sense, however, in which it could be true, to a degree, with regard to Champion. As I've already described, Unruh was a strong personality and Brown was a weak one, and I think in time Unruh would have dominated Brown. But Champion is a strong personality and prevented that from happening. I'm sure, by his lights, that was the right thing to do. But it would be only in that sense that you could consider Champion the cause of the fight. There were strong institutional reasons and great personality reasons why those two people weren't going to get along. Sure, those causes were fed by the people who were parties to those figures and those institutions, like Champion, me, and other members of the legislature and lots of other people.

HICKE I also read or heard someplace that Unruh wanted Brown to run for the senate in '66 rather than run for governor. Was that a point of discussion between them?

MARGOLIS If so, I wasn't aware of it. I know there were people who were urging Jesse to run for the senate at various times. I advised against it, in part because I thought Jesse's whole immersion was in state government and that he would have been unhappy in Washington. The long apprenticeship starting as a freshman assuming that he could get elected and the slow admission into the club would drive Jesse crazy, I thought, even though he might pass through those stages relatively rapidly. Still, it would drive him crazy to be that much out of power. It just seemed like such a falling off from the things that he'd been involved in that I advised against it.

There was quite a lot of urging both in '66 and in '70, that Jesse look at the senate races, based on the fact that he is a natural legislator. I don't remember Jesse's urging Pat Brown to run for

the senate That would have been totally between Jesse and Pat It doesn't seem in character Whatever, I never was aware of it, or if I'd had any inkling of it, I've forgotten it

HICKE

OK Let's go back to the CDC, which you have touched on a little bit in the course of events The CDC and Unruh also came to a parting of the ways?

MARGOLIS

Yes We talked, I thought, quite extensively about this in terms of, first, the irony that Jesse and I were involved in organizing the first club that then was followed by the successive organization of a lot of clubs which later joined together in the CDC We also talked about the conflict between the Democratic party of elected officials versus the Democratic party of outsiders, the amateurs, and we discussed the James Q Wilson book *The Amateur Democrat* These were some of the institutional forces that were driving the conflict Plus the fact that there was, again, a kind of personality difference between people who would tend toward clubbism, if I can use that word, and people like Jesse, and those in his kind of position And it is very much the amateur versus the professional, it's the hardball player versus the softball player [Laughter]

HICKE

That's very good, actually It works out very nicely [Laughter]

MARGOLIS

It's the difference between a person who is all operations, getting things done, knowing how to do things and how to make them happen versus people who have itches they can't find to scratch, vague feelings that they would like to see certain things happen but no sense of the connection No understanding of what you have to do, what you sacrifice What kind of compromises do you make in the process of getting what you think you want? Do you still want it? People who don't ask those questions and don't have any sense of their importance in getting things done in the democratic system, people who can't stand the sight of blood but want to be bullfighters these are what I call the personality differences, the

people who really feel more affection for the argument over issues and a position on a resolution than on who occupies the office

One of my favorite things in literature about politics is the series of columns written by Finlay Peter Dunne in the *Chicago Sun* at the turn of the century. These columns have been collected in the series of books called *Mr Dooley Says*, *Mr Dooley Speaks*, *Mr Dooley on the Constitution*. There must be five or six of these books. Mr Dooley was an Irishman, a bar frequenter in Chicago, a working class neighborhood bar philosopher who would drop into his local bar and pronounce on matters of the day. Hennessey was the bartender, whom he called Innesey. Mr Dooley would make these pronouncements. They were really working class wisdom about the political system and the issues of the day.

One of the columns contains Mr Dooley's commentary on political reform. Some good government league was going to reform politics and the electoral process. Dooley alludes to these ladies wanting to come in and sweep out the headquarters and winds up saying, "I care not who wins the election so long as we controls the offices." He's very practical in his viewpoint.

There are a lot of things I quote Mr Dooley on. He had one famous one which I have to remind myself of all the time, because I tend to be a person who views with alarm the coming disasters for the Republic. One of his essays winds up saying, and this is all stated in a very thick Irish brogue, "Whenever a politician claims the Republic is on fire, it's usually the seat of his own pants that's burning." [Laughter]

Anyway, there were really profound differences of personality. But putting all that aside, there was the weakness of the party resulting from the reforms of the Progressive Era. The party machinery was too weak apart from the elected officials, and so the party's power migrated to them. They controlled the political parties rather than the other way around, and so when you get a group, then, of unofficial people who are proud to wear the badge

MARGOLIS

of unofficialdom and amateurdom, there s bound to be conflict, they want a piece of the same action, and Unruh wasn t desirous of sharing power that was so hard to come by and recently acquired with people whom he felt were more willing to risk losing elections to keep the purity of their resolution adoption process than they were to compromise as necessary to win elections Unruh once said in a speech on this subject that amateur standing is appropriate to sports and marriage, but not to politics and state craft

There was a famous evening The CDC was having a big conference in Sacramento I don t know that it was their convention, it could have been This would have been around 1965 At least it was a meeting of the congressional district directors they were the key people in the CDC There was one person who was the coordinator of the clubs in each congressional district, and these were called the congressional district directors

Unruh hosted a dinner for them at the El Mirador Hotel This was a little piece of Daniel in the lions den It came about because Jesse had this enormous confidence in his ability to charm people and to win them over, given half an attention span, he could win them over When I first heard about it, I thought it was kind of strange Like, what for? But he had this much better sense of trying to win people over and be friends with them than to fight with them I was a little less concerned about how our enemies felt about us [Laughter] He was much wiser about that than I was

There must have been thirty six congressional districts in California at the time, and maybe twenty of the thirty six congressional district directors were there We had this big U shaped table with people sitting around the "U," and everybody introduced himself Then there was a lot of banter The hotel served a good steak dinner and nice wine, and everybody was having a jolly old time It was really warming up A lot of joking around

MARGOLIS This was really an invitation to say what's on your mind. It was almost like an invitation from Jesse to say, "Tell me what you don't like about me. Why do we disagree?" It was an unusual airing of humor, hostility, everything all mixed together. I think it was Norma Clevenger, the Sacramento congressional district director, who said, "You know, Jesse, you should remember sometime that winning isn't everything." He said, "Yes, but losing isn't anything." That became one of his landmark statements, that "winning may not be everything but losing sure isn't anything."

HICKE That really summarizes the differences you've been telling about.

MARGOLIS Yes, it really does. Norma Clevenger, by the way, is here in Sacramento again. She was, for quite a few years recently, the lobbyist for Planned Parenthood, and she went back to New York as a national vice president for membership, I believe, of the Planned Parenthood League and then, maybe a year ago, came back to Sacramento. I think she's still doing something for Planned Parenthood. All of our perspectives have changed quite a bit, but she might be interesting to talk to. I don't know how much you might get. Frank Burns was a CDC district director when Jesse first met him, he was one of the early ones. Of course, he got totally turned around. He was very anti-CDC within a short time after meeting Unruh and he fell out with the CDC crowd.

HICKE That was a good description of an incident, but can you tell me a little bit more about what actually happened?

MARGOLIS I do recall telling you the last time that part of the dissension between Brown and Unruh was that Brown was perceived as a moderate, middle of the road, or conservative Democratic, more Catholic than liberal when he was elected, and then promptly, shortly after he was elected, moved to the left and embraced the CDC. Given all else that was going on in the friction and conflict between Brown and Unruh, this was yet another source of difference. The CDC liked Brown's style and it was more of the reason for the conflict between Unruh and the CDC.

Jesse had the feeling, here, he's up here, pulling out the governor's budgets, which are difficult to do, getting them through. You've got to have a two-thirds vote. I know I've talked about this as being one of the critical factors in the political framework in which things operate in Sacramento but you can't stress it enough, the need for a two-thirds vote, which means that he couldn't just do it with Democrats. There was never a time the Democrats had two-thirds of the members of the assembly; you always had to have Republican votes. You always had to figure out what you were going to do to get them. How do you get them? What do you compromise? What do you give them in order to get their vote on the budget? Yet Pat Brown would act like the heroism was in thinking up the budget. The heroism was getting it enacted, getting it back there for him to sign. Yet these people treated Pat Brown as the hero and Jesse Unruh as the goat. I don't know how else to characterize what the reasons for it were.

I guess there was one other dimension that I would have to mention. This is a rather complicated subject to get into.

[End Tape 9, Side A]

[Begin Tape 9, Side B]

MARGOLIS It has to do with the business of communism, anticommunism, fellow traveling, McCarthyism, that whole cluster of things. In World War II, the people who were coming of age politically, Democrats and liberals, were a little confused about the role of the Soviet Union in matters political and tended to drift over the line and confuse left-wingedness or Eastern orientation with liberalism. I guess the best way to describe what I'm saying is in terms of a figure in the Arthur Schlesinger book, *The Vital Center*,¹ in which he tries to undo this liberal notion that everything is on a spectrum from left to right, that liberalism is on the left and the more left the

1 Arthur Schlesinger, *The Vital Center* (Boston: Houghton Mifflin, 1962)

more liberal, and that conservatism is on the right, the more right the more reactionary, when, in fact, the political spectrum operates more like a circle with liberalism at one side of it and authoritarianism on the other side, whether left wing authoritarianism or right wing authoritarianism. You see the image?

Many of us, Unruh and myself included, went through some confusion in the World War II period, and its immediate aftermath, over this question. Soon, we realized the origins of the cold war were almost entirely Soviet inspired. Now the current leadership of the Soviet Union believes, too, that [Premier Josef] Stalin and his cohorts were the instigators of the cold war.

Originally, I had been what I call a mushy headed liberal," disliked [President] Harry Truman and actually ended up voting in 1948 for Norman Thomas. I became in very short order, within a year, a great admirer of Truman's for his courageous stances: his opposition to McCarthyism, his talking civil rights to the American Legion, one issue after another in which he defended the liberal agenda, not just with the League of Women Voters but with the enemy. He stood up to them, and fired General [Douglas] MacArthur when he became insubordinate, and did all those absolutely heroic things. One thing after another had made me feel like an idiot for having not supported him in 1948, as I should have. I was still in college at the time but I considered it my responsibility to know better than that.

HICKE: I think some historians are just now getting around to the facts that you were already aware of.

MARGOLIS: Yes. I think Unruh went through a similar thing. Unruh came from very poor conditions: the sharecropper family living in the panhandle of Texas and having one pair of shoes among five boys and ultimately hitchhiking to California to work in the defense industry, going into the service and coming out and going to USC on the GI Bill. He was, as I told you last time, very nearly recruited

into the communist party. He, literally, didn't get signed up because he didn't pay his dues, which were fifty cents a week or something like that.

He suffered from the same confusion that a lot of returning World War II veterans experienced in not understanding the distinction between East and left. But then he began to clear up on it, as did liberals generally. During the fifties, there was a struggle in the liberal organizations. There was a communist faction or a procommunist faction in all of the liberal organizations: the American Veterans Committee, the Americans for Democratic Action, the American Civil Liberties Union, the labor unions. All of the labor unions had a big procommunist faction in them. There was quite a wrenching fight among the people in liberal organizations to drive the communist membership out and secure the organizations for people who were honest liberals, not subversive liberals or fake liberals who were in the organization simply to take it over on behalf of the foreign policy needs of a foreign country.

In the midst of all of this, Senator [Joseph R.] Joe McCarthy arose and saw an opportunity to use this issue as a way of beating up on all liberals, whether they were procommunist, neutral, or anticommunist. That confused matters so that even today we have liberals who think that Joseph McCarthy invented the communist party in order to beat liberals to death, but there were communists in America quite independent of whatever Joseph McCarthy said.

A sidelight on this is that when I came back from World War II and enrolled at UCLA, Westwood was the site of the first chapter of the American Veterans Committee. The American Veterans Committee was organized to be the voice of the new veterans in opposition to the American Legion, which was considered to be a right wing, reactionary organization. The American Veterans Committee was made up of people who thought that the conservatives and the reactionaries had

MARGOLIS mismanaged things, and we didn't want to see any more war and we wanted to see the wrong decision that was made on the League of Nations after the First World War reversed with the adoption of the United Nations charter after the Second World War. We also wanted to help the underdeveloped world through things like the Point Four Program that President Truman enunciated to provide foreign aid to underdeveloped countries. Those were the liberal objectives.

HICKE You were part of the American Veterans Committee.

MARGOLIS Yes. So that's what the American Veterans Committee was about. In it was a communist faction trying to pass some resolution such as "Hands off Free China" that had nothing to do with its role. This was Soviet foreign policy being prosecuted through the American Veterans Committee or any organization, no matter what its purposes. "Hands off Free China" was the popular, left-wing slogan for many of the demonstrations and picketing. The issue finally came to a vote in the American Veterans Committee to throw out the communist faction, throw it out by passing a resolution saying that communists were not welcome as members of this organization. Guess who was in that same chapter of the American Veterans Committee and voted against the resolution?

HICKE Unruh?

MARGOLIS No. Ronald Reagan. I voted for it. Jesse wasn't in that chapter. He was at USC. This was in Westwood. The first chapter was at UCLA. That was during Ronald Reagan's left-wing period.

HICKE Did you know him?

MARGOLIS Brushed shoulders but can't say that I really knew him. Actually, one of my closer friends was the leader of the communist faction, and much later came out of the closet both with regard to that and with regard to his sexual orientation. A screenwriter named Peter Kortner was the leader of the opposition to the resolution. He was in the circle I was in at UCLA. We were friends but we divided on that question.

What I m describing is my transition from a mushy headed liberal to a more practical, hardheaded liberal but still a liberal So too with Jesse Unruh We didn t know each other then but we were going through similar transitions The core of the CDC never made that transition They stayed there on the left fringe, vaguely believing that Harry Truman started the cold war, that [Prime Minister] Winston Churchill was a Red baiter in pronouncing that an Iron Curtain had descended over Europe, that Joe McCarthy invented communists, and those of us who were anticommunist were looking for communists under every bed

HICKE Were there some specific people that were the leaders in this effort?

MARGOLIS Sure Alan Cranston was the head of the CDC [Laughter]

HICKE So this really reflected his philosophy?

MARGOLIS That s hard to say Political movements are products of vectors, and there are a lot of people who make them up that have partial commitments You can describe a stream which they contribute to, but they may not be a part of all of it It s hard to say I don t know Alan Cranston s philosophy of life well enough to know for certain

I think Alan Cranston came at it a little more from One Worldism He was a big advocate of the United Nations and came at it more from almost a Quaker, One World point of view and less as somebody under the discipline of Stalinism or anything like that He d been a foreign correspondent He wrote a book about [Chancellor Adolf] Hitler early on this was before World War II a book warning about Hitler and the Nazi movement But I guess his embrace was wide enough to include communists, fellow travelers, and all the gradations across the spectrum I don t think he s anything like that now

But there were people on his staff who were key CDC people, like Roy Greenaway and Irwin Niefraun, who is a judge of the superior court, I think, in Los Angeles He was a Cranston staffer There was a guy I always felt uncomfortable about who had

worked for Pat Brown and then Alan Cranston by the name of Lu[cien] Haas. He retired recently from Cranston's staff, a real left winger.

I think the same feelings that made CDCers more issue oriented and less geared to winning elections, also put them on that side of that conflict. They were the same sentiments and views that put them on the side that believed that there were no communists, there were just people who were more liberal than other people. They never saw what [Philip] Selznick described in his book *The Organizational Weapon*,¹ that there was a highly disciplined political movement with cells and key operators trained in the Soviet Union who were managing this movement, and there were a lot of dummies who were manipulated by them and who were the fodder for that movement. Those sentiments ran more deeply through the CDC.

There are people, I think, who fill their lives with a kind of dogoodism that comes from attachment to movements larger than themselves. Their life is invested with meaning and they become the camp followers, hangers on, social climbers. They're not really committed to the ideology of the thing that they're associated with so much as the ethnicity of it, the food and the social doings and the oozing good feelings, rather than the brutality and murders being committed by its agents. I think that's always true. It's like great numbers of my coreligionists have done with reference to the state of Israel, where adoration of the state of Israel, its politics, and its foreign policies have substituted for the religion of Judaism. It is the 'bingo and blintzes' circuit that fills their lives, and the making bandages for Hadassah hospital rather than an understanding either of the theology of the religion or the politics of the Middle East or the way the money goes through charitable channels in the United States to finance the belligerence and

1 Philip Selznick, *The Organizational Weapon* (New York: Arno Press,

MARGOLIS truculence of the Israeli government in its dealings with the Arabs or the Palestinians

There's that same oozing of good feeling belief that what you're supporting is the right thing, without being able to understand the damage that it does, that I think makes the difference. It's hard headedness versus soft headedness. It doesn't have anything to do with where you are in the political spectrum, it has to do with how you deal with it.

There was that difference between Unruh's outlook on the one hand and the CDC's and Pat Brown's outlook on the other. Pat Brown was mush headed. His upbringing, his Catholicism, the circumstances of his family never made him a left winger politically but by nature he militated in that direction. When the opportunity came, he embraced the CDC. They were his troops. He made some outrageous statements about what he owes to them in terms of his elections, which they had virtually nothing to do with. Literally, nothing. That's the story.

HICKE Were there actual confrontations?

MARGOLIS Sniping. Then, at the CDC convention, they'd run some resolutions that were designed to. Wait a minute, it's more than sniping. I'm sorry, I answered that too fast. I wasn't thinking about the legislative program. There was pitched battle. The CDC would pass resolutions. There would be a lot of speeches attacking Unruh and other elected officials, all not calculated to win reelections.

On our side of it, we frequently sponsored legislation which was designed to do them in. There were two kinds of legislation, basically. One kind would prohibit unofficial organizations using the Democratic party name for endorsing in primaries. A lot of different approaches were taken. One of them was to require that if an endorsement was made in a primary, it must include the statement that it is not an official act of the Democratic party. That was one version of it. Another was prohibiting endorsements.

outright There were a number of approaches, some enacted, some not There were big battles between Unruh and Brown over that, because the CDC was depending on Brown to veto that legislation

HICKE The idea was to get the idea across that this was not the official Democratic party that was doing this, although it sounds as if might be

MARGOLIS Right They were trying to occupy the ground of being the Democratic party, it was the only machinery This was the way in which the weakening of the Democratic party left that as the only organization that or the elected officials were the party

HICKE Did you get any of this legislation through?

MARGOLIS I think some of it got through Some of this was being attempted right at the time that I was leaving Sacramento, and I don't know altogether how much of it passed I think in the end, Pat Brown did veto some of it and some of it never made it through A little bit did I think the one thing this is not an official act of the Democratic party or something like that was enacted That was the mildest version The others, I think, were either vetoed or never made it all the way through the process

HICKE What kind of support did you get for that from other legislators?

MARGOLIS Let me just say that was one kind of legislation The other kind was designed to get rid of the last remaining example of large scale political patronage in California Alan Cranston had been state controller before he became United States senator The state controller has the largest piece of remaining patronage extant in the state government of California that is, the ability to appoint without civil service review people who derive a good income as inheritance tax appraisers The controller is the chairman ex officio of the Franchise Tax Board, and the Franchise Tax Board has the responsibility of administering the inheritance tax Some of this has been changed now but at that time this was true

The controller could appoint a virtually unlimited number of inheritance tax appraisers, and there was no requirement for the job, he could appoint anybody he wanted. The only limitation on who he appointed was that every time he appointed one, it diluted the amount of money to be made for doing almost routine work and filing papers on inherited estates. The fee was figured as a percentage of the estate, and the more appraisers you appoint, the more you dilute the income of the ones who are already there. That was the only constraint, he could appoint as many as he wanted or decide how much income he wanted them to make.

Cranston appointed CDC congressional district directors as inheritance tax appraisers, so he had a big piece of patronage machinery. Mind you, with all of that, Unruh was regarded as the political boss and Cranston as the do gooder, oozing good feeling.

Thus, the other piece of legislation was intended to do in the inheritance tax appraiser system by putting them in the civil service and requiring tests and promotional controls. That was the big piece of legislation I told you about in connection with my encounter with Pauline Davis and the Ways and Means Committee.

I saw a man yesterday, which reminds me of this. I told you two stories about that piece of legislation. One was the Pauline Davis one in the Ways and Means Committee. Did I tell you about Jack Fenton?

HICKE

That's one you told us about at that [State Government Oral History Program] meeting, but you haven't gotten that on tape, so I was going to ask you about that. Jack Fenton.

MARGOLIS

Yes. I quoted the line from [Louisiana Governor] Huey Long that if it was a good bill would I have to ask you to vote for it? This happened during the time I was given the privilege of the floor because Unruh was in the hospital with phlebitis. It was getting toward the end of the session and he had sponsored a big legislative program, much of which I had goaded Jesse into

authoring Not this particular bill, because it was concocted by his allies like Tom Bane and Jerry Waldie and the people who were his "Praetorian Guard," as *Newsweek* magazine called it at one time Not that I had any differences with it I was in total sympathy with the thrust of that legislation

I was working the floor This was all tough stuff It was all fifty four vote stuff, requiring a two thirds vote, either because they implied an appropriation or for some other reason In any case they required a two thirds vote to pass the assembly I was going up and down the floor and I was short votes and we had placed a call on the house I d had a lot of conversations with Unruh on the phone about "Should we run it? Should we try it? We re short some votes and it s tough " He said, Give it a run We re going to lose it anyway if we don t try it

I told you in deference to him, members permitted me to work the floor This was unheard of for a staff member to be given that privilege As a staff member you could go on the floor to carry information, or ask a member a question, but you could never I don t think even today you could urge a member to vote one way or another on a piece of legislation I think you d get thrown out of your job if you did But I was allowed to buttonhole members and ask them to vote

So I kept hitting Jack Fenton and he kept saying, "No, Larry, I can t vote for that bill So I kept making the rounds, and I d keep retouching base We d leave a call of the house on because we were still short of the votes, and before the roll was closed, you can keep working, try to find absent members or change members minds So I kept working the floor I got back to Fenton on one stop and he said, Jesus, Larry, it s such a bad bill It s such a bad bill " I said, "Jack, if it was a good bill, would I have to ask you to vote for it?" This was what Huey Long had said to somebody in the

Louisiana legislature, as reported by T. Harry Williams in his biography of Huey Long.¹ A marvelous book, by the way.

HICKE

It is. I've read that. Did that convince him?

MARGOLIS

I don't think he ever voted for the bill. I don't think he did. We got the bill out, I think. Gosh, my memory of that is getting very, very foggy. Yesterday, I saw John Quimby, who was in the legislature then. He was from San Bernardino County. He now represents San Bernardino County as a lobbyist with the legislature. He was one of the people whose vote I tried to change on that bill.

[End Tape 9, Side B]

[Begin Tape 10, Side A]

MARGOLIS

This is how things are often misunderstood so badly. You mean one thing and they take it to mean something else. Quimby is a paraplegic, has been for a long, long time, and a very funny man, very interesting man, very nice man. He used to drink a lot but he doesn't anymore. He was sitting there in his wheelchair, which sat alongside his desk, and I said, "John, we need your vote." He said, "Larry, if I vote for that bill, I'll be cutting my own throat. What he meant was that he depends on support from the CDC in his district and that he therefore couldn't afford to vote for it. I knew, however, that the CDC didn't support him in this district. They were looking to run somebody against him. I said something like, 'You don't want to have your throat cut, but you're willing to get your balls cut off.' What I meant was, 'You're going to lose your district because these people are ganging up on you, and we're trying to do them in.' He thought I meant that I was going to retaliate by cutting off his balls. [Laughter] So the word went around the assembly floor. He initiated it. He said, "God, that Margolis is tough. He's threatening to cut off my balls if I don't vote for this bill. [Laughter] So that's how badly things are misunderstood. [Pause]

1 T. Harry Williams, *Huey Long* (New York: Bantam Books, 1970)

HICKE We never finished the CDC. Just let me ask you, whatever happened at that get together dinner that you told me about between Unruh and the CDC?

MARGOLIS The banter and the back and forth continued. There were a lot of laughs, a lot of good feeling. Some people didn't change their minds. A few decided that Unruh wasn't the ogre they thought he was. Some of them became more friendly to him. Others remained enemies but didn't despise him or think as badly of him. Some stayed the way they were. It was a mixed bag, but the purpose was really only to make friends. I don't think Jesse thought that he was going to turn the CDC around with this gesture. But he made some inroads, and they at least knew that he was something to contend with. He was no pushover because he could go *mano a mano* with anybody in the room, and they knew it. But I think he made some friends there. I think even people who disagreed with him admired him for it.

[End Tape 10, Side A]

[Session 5, March 22, 1989]

[Begin Tape 11, Side A]

HICKE I thought we might start this time with the legislative program that you and the speaker developed, and maybe you can tell me something about not just the program itself, but about your goals and reasons for wanting it and how the ideas came about and how they got through the legislature

MARGOLIS The speaker's legislative program was eclectic, to put it mildly. It consisted of a lot of different things. It didn't have a central theme or principle. I suppose if you were to talk about a theme of any kind, it would be helping the underdog, righting injustices, correcting abuses, or correcting things in government that weren't working properly or according to the intentions of the original legislators of the program. It had things in it that were intended to assert the authority of the legislature, showing the legislature as being broad gauged, more in the forefront of social problems than a reactor to initiatives of the governor or the lobbies, particularly, the latter.

Although a lot of this stuff was not originated internally, much of it came to the legislature from people who were sponsors of legislation, interested in legislation. They tended to be the nonprofit organizations or the people with social causes more than economic interests.

There was another class of legislation that the speaker carried which was labor based. It had to do with such matters as social insurance—that is the name for unemployment insurance, disability insurance, workmen's compensation. I think this stemmed from

Unruh's previous chairmanship of the Finance and Insurance Committee. He very often sponsored the cleanup legislation for the Department of Insurance. This was often a field of legislation in which the labor unions were interested and he was, generally speaking, a pro-labor legislator.

Another major theme had to do with the intraparty struggle between the electoral party and the informal or irregulars of the CDC so there was a fair body of legislation that emanated from those internal party considerations. Beyond that

HICKE Are you going to be more specific?

MARGOLIS Yes. Beyond that, it was made up of wild cards which I threw in very often, things like creating an ombudsman, which didn't succeed but got some time and attention. Oh, let's see if I can think of any other wild cards. Well, maybe that's enough of an example.

HICKE Sort of along the good government

MARGOLIS Yes. They were reformist, good government ideas mostly.

HICKE I actually have a list here.

MARGOLIS Well, maybe it would trigger some recollection in my mind.

HICKE Why don't we just take a look down it?

MARGOLIS OK.

[Interruption]

MARGOLIS A lot of people also came to Jesse, either staff people or other members, people with interests of one sort or another. He would become interested in the problem they would tell him about. He would author legislation. Very often there was stuff in there I didn't know the origins of, and sometimes it was stuff that became important. Sometimes it was stuff that just dropped by the wayside.

HICKE Was he open to people?

MARGOLIS He was totally open to people and, as I said in one earlier session, I viewed my role as keeping access to him open. I didn't feel that I could contain all the information that he could contain. He had

this enormous capacity to keep track of lots of different things I didn't want my funnel to be the bottleneck on what he could accomplish I wanted that funnel to provide more access to him and to take the overflow from him when it got beyond what he could do That was the style in which I did my job

[Interruption]

MARGOLIS

Another class of legislation that he continued to be interested in throughout the period I was in his staff was legislation that flowed from his activities in preceding committees He had been the chairman of the Finance and Insurance Committee The earliest chairmanship I think he had was the Labor and Industrial Relations Committee and then he was chairman of the Ways and Means Committee

The major pieces of legislation, the ones for which he'll long be remembered, are, of course, the Unruh Civil Rights Act, which he authored while he was chairman of the Finance and Insurance Committee, and it may have carried over briefly into the beginning of his term as chairman of the Ways and Means Committee Another was the Retail Sales Installment Credit Act, which regulated credit on revolving accounts and regulated interest rates as well as the terms and conditions of credit This particularly came from his chairmanship of the Finance and Insurance Committee That was a major topic of legislation the California Retailers Association was the principal sponsor of that legislation He was very friendly with the lobbyist for that association, whose name was [Vincent] Vince Kennedy

Then in the sixties there was a lot of follow up As things got changed, added, or amended in the Retail Credit Act anything affecting this act usually went to him, because he had stopper control over anything that was attempted by anybody to change any of those major acts he authored Then if he could be persuaded the amendment was necessary, he would join with the author or take over the authorship of that legislation and change it So a lot

of people kept coming to him with follow on legislation to the things he had done before. Some of these relationships went back before my direct involvement with him, so I didn't know who all those people were, what their relation to him was based on.

I think his underdog championship was expressed through the Civil Rights Act in a major way. The Retail Sales and Installment Credit Act, I think, he viewed as a compromise between the interests of business and the interests of the borrower and [it was] to try to regulate it to keep it from being unfair to either side. I think that was his feeling.

His authorship of the social legislation, the labor related stuff, and his general posture on the side of labor was part of that championing the underdog attitude on his part. Another category of legislation that expresses the same thing was his big interest in education and educational finance. The type of education I mean is preschool education, teaching remedial reading, Head Start programs, programs for minority students, programs for students who were not proficient in English, programs geared to the needs of minorities and, again, to the underdog.

He had a fascination with educational finance because of its complexity and because [Kenneth] Ken Cory, one of the early staffers, who later became a member of the legislature and ultimately a statewide officeholder, was a close friend and ally. Protege is the right word. Cory made a career of learning to understand educational finance. I'm talking about K [kindergarten] to 12 education finance, the business of the elementary and secondary school districts, which was very complex in California and still is. It takes a mathematical genius to understand what an entitlement is to a school district for one full time student equivalent in terms of state aid and permission to tax.

It was one of those subjects that fascinated him and he got mixed up in educational finance matters. But more particularly it was programs of the Head Start variety, the remedial reading

MARGOLIS variety The Miller Unruh Basic Reading Act¹ was a landmark It was a little later on in his legislative career I'm talking now about 1964 or '65 Miller being Senator George Miller [Jr], the late Senator George Miller, the father of present Congressman George Miller

The intraparty stuff we've already talked a fair amount about the legislation curbing organizations using the name Democratic, but not being the official Democratic party, using the name in endorsements and primary campaigns the bar against that The coverage under civil service of the inheritance tax appraisers of the controller's office as being a way of removing patronage from the CDC A whole series of internal party regulations He interested himself greatly in party affairs, and I can't think of all the legislation that he authored in this particular field

That tended to be an area that I didn't interest myself in greatly I tended either to be heavily interested in things that affected the legislature directly, that is, the operations and procedures of the legislature, or in certain subject matters that I was more interested in than others They tended to be in the social field, health and welfare, or efficiency of government operations Those were the main categories I was interested in Let's see

HICKE So you could have complemented each other in various areas

MARGOLIS Yes, but he was all over all that legislation I mean, he had an enormous capacity, I just can't impress on you enough the size of his capacity to absorb and to contain and synthesize information It was almost superhuman It was huge So it didn't take him very long to figure out what was going on in any of these fields If he took on a piece of legislation, he could pretty well tell where it fit Of course, the more you know the more you can understand You can see where things fit because you've got all this other background information, and so as soon as that little piece falls

1 S B 205, 1965 Reg Sess , Cal Stat , ch 1233 [p 3086]

into place you know immediately what the implications of it are because you know all the surrounding facts and circumstances about it

HICKE You probably had to develop quite a capacity yourself in order to keep up with him

MARGOLIS Well, I did, but I always felt like I was running to catch up I've felt that way all my life [Laughter]

HICKE Standard condition of the normal human being

MARGOLIS Right One of the interesting pieces of legislation that stands out in my mind and demonstrates the eclectic character of Jesse's breadth and scope of legislation was the bill known as A B 1 of the 1963 session¹ It was the bill that created the California Arts Commission and it was, I think, one of the very first public arts commissions There may have been others, but it was a California first of having the state involved in the arts

The origin of that legislation was that Jesse had a friend who I think was really more of a friend of a friend of his The friend's name was [] Eddie Feldman He was manager of the California Furniture Exchange I think he was a friend of Chloe Pollack, who was a long time friend of Jesse all the years he was alive I had no background or knowledge of that subject at all, but Eddie Feldman was a very persuasive salesman He had talked to Jesse about authoring the bill and Jesse turned him over to me and he talked to me about it

The first time he did we took a feeble run at it, putting in a bill that was late in the session We didn't have time to do very much digging up of support or anything like that It was really a trial run Then we prepared for the next session by getting the number A B 1 designated In fact, we had the bill drafted before the session and had it ready to go so that it got the first number to point up the importance we attached to it

1 A B 1, 1963 Reg Sess, Cal Stat, ch 1742 (1963)

With Feldman's help, we organized a committee of Hollywood types headed by Oh, why do I always block on his name? The actor who played [President Franklin D] Roosevelt in *Sunrise at Campobello* [Ralph Bellamy] A very prominent actor and I always block out his name He and other actors and actresses and Hollywood figures joined together in a Friends of the Arts Commission or something like that, I've forgotten what it was called But there was organized support, and when the bill was coming up to one of its major hearings either in the Ways and Means Committee or the policy committee or enactment on the floor of the assembly I don't remember which we had a big reception at the El Mirador Hotel A number of stars came up, and this fascinated and attracted a number of the legislators and they went over and hobnobbed with these Hollywood figures The press also came?

HICKE

MARGOLIS

Yes, the press also It built a lot of support, and of course the bill went sailing through It didn't have a huge appropriation, as far as I can remember, but the point was to get the idea established and then later on to build it and to see that it got properly organized and funded

The reason I was interested in it wasn't so much an interest in the arts as it was this business of broadening Unruh, giving him depth and getting him [the support of] people who [would] regard him with some feeling for the breadth and depth of this man and the range of interests he had Those were my reasons for thinking it was a good idea to do this

I have since become very much interested in the arts, and that organization, by the way, is now called the California Arts Council, rather than the Arts Commission, as it was then There was a period, I think, when it went out of business during the Reagan administration, and then was reorganized with new legislation as the California Arts Council It may have been not the Reagan administration but the Jerry Brown administration, I don't know

Actually, Jerry Brown was a little more of a wrecker of government than Ronald Reagan was. He [Reagan] wasn't very interested, but Jerry was just a positive wrecker.

HICKE How was it resurrected?

MARGOLIS I don't know. I wasn't here. It was during the seventies when I wasn't here, so I don't know how that happened.

HICKE Then were you in on any of the [Inaudible] legislation that helped build on it?

MARGOLIS No, really not. We turned it loose. We didn't think a whole lot of the governor's appointees to the commission. We thought it was something less than the cutting edge that the commission could have been, but we felt we had done our job and gotten it done. Interest shifted and we were off on other things. I think the next year the ombudsman was the centerpiece of the legislative program.

HICKE And were people surprised that the speaker was endorsing this kind of thing, rather than as you said some labor bill?

MARGOLIS Yes, it gave them a start and they had to reevaluate and think of him as a somewhat broader, more committed to the general interest rather than narrow economic issues, yes.

I guess the other thing I should say, in a general way, this really belonged back at the beginning of this. Is what Jesse's role in legislation was. As speaker he followed a man, Ralph Brown, who was very laissez faire. He hardly ever authored legislation. I mean, he took one venture into authoring legislation and it was the prohibition against meetings of government bodies in secret. The Brown Act, it is called.¹

That was, I think, a consequence of Jack Crose's being on the speaker's staff. Ralph Brown's chief assistant was Fred Ruggieri of Modesto, later a supervisor in Stanislas County. He had a deputy, Jack Crose, who came from the Modesto *Bee*, where he had been a reporter. He thought Ralph Brown should have some sort of

1 A B 339, 1953 Reg Sess, Cal Stat, ch 1588

legislative program and he got him started on the secrecy in government issue, which became known as the Brown Act. This is significant because Crose then stayed on the staff when Jesse became speaker, and he was my deputy and then succeeded me as chief assistant when I left the speaker's staff.

What I'm saying is that Unruh came in and his idea was to be active. He wanted the legislature to be active and he as the leader of it wanted to be active, proactive. Proactive in legislation, not just a traffic cop, not the speaker in the British model, not the nice guy, keep things moving administrator head, but taking part of the positive substantive work of the legislature and carrying a very large legislative program. Also, Unruh was headed for, or our expectations were that he was headed for higher things, and he was building a base on which to appeal to wide numbers of people and organizations who could be helpful in later campaigns for whatever it was he was going to run for.

Even today there are disputes about whether the presiding officer of a legislative body should be active in substantive legislation or whether his role should be more to defend the prerogatives of the body, the house, without becoming entangled in either the party partisanship or advocacy as to major policy disputes. Unruh was clearly on the side of involvement, and his legislative program and the wide variety of things that he interested himself in all showed that.

In addition to his own legislative program, of course, he interested himself in everything else that was going on, everybody else's legislative program too. He very often asserted the authority of the assembly, vis a vis the senate, over legislation. I mentioned earlier his stopping action on senate bills when the Rumford Act was tied up in the senate Government Efficiency and Economy Committee. He helped to pry it out even though he had misgivings about the wisdom of the thrust of that legislation. He nevertheless felt the assembly was entitled to parity with the

MARGOLIS senate, and if the senate abused assembly legislation, then he was going to block senate legislation to make them respond. And he did. He gradually restored the authority of the assembly to something like parity with the senate. It had been very much the junior partner in that relationship, too, before he got there.

There was an example of it as early as 1961. We were coming toward the end of the session. The agenda had lots of legislation, mostly senate legislation, because at the end of the session the bills coming from the other side have priority. There's a deadline after which you stop processing assembly bills in the assembly committees and deal only with legislation that came over from the other side.

So we were working on lots of senate bills. Things were rocking along. There were seventy-five to a hundred bills on the agenda for that day. This was very late in the session, and things were ganged up, and the meeting had been going for some hours. I think something like sixty of the bills had been disposed of one way or the other. [Assemblyman William A.] Bill Munnell, later a superior court judge, was vice chairman of the committee, I believe, and he had been over to the senate. He was on the Ways and Means Committee and he had come back to the committee and said that. I don't know whether Unruh asked him, I think they knew what the play was and Unruh may have asked him publicly to say what's going on in the senate. Munnell said, "Well, they're not taking up any assembly bills in the senate." Unruh said, "Oh, is that so? Well, all the action taken so far today on senate bills is hereby rescinded."

[End Tape 11, Side A]

[Begin Tape 11, Side B]

MARGOLIS There will be no further action on senate bills until we find out that the senate is back processing assembly legislation." A big murmur went up through the audience.

This action was actually preceded by a little back and forth before he recognized that motion. At that moment, George Miller, who was a powerhouse in the senate and chairman of the Senate Finance Committee, was presenting a relatively minor piece of legislation. When Munnell made his announcement that the senate was not acting on any assembly bills, Jesse Unruh said, "Senator, what do you think of that?" And Miller said, "I can remember this just as clear as a bell. Well, it seems to me it's a hell of a way to run a railroad." [Laughter] And so then Unruh lost his patience and slammed the gavel and said, "Action hereby rescinded on all senate bills until we hear."

For all anybody knew that might have been the order for the rest of the session. But actually within a half hour they started moving on senate bills and so Unruh withdrew that order and restored the action that had been taken up until then and continued the business of the committee.

HICKE: I take it it was not just coincidental that the senate began to moving on the assembly bills. Had they heard about

MARGOLIS: Oh, yes. Word went back right away. George Miller came off the stand. He couldn't present his bill anymore. He went back and undoubtedly said, "What the hell is going on here?" and the leadership must have huddled and said, "Hey, we'd better get some stuff going. I've got this bill and he's got that bill" and so on.

HICKE: That's very good. That's a wonderful story.

MARGOLIS: It may have been the same meeting or it may have been a similar meeting of the Ways and Means Committee when another little interesting thing happened which I think is worth preserving. The big trick at that stage of a session was for the author of a senate bill to get high enough on the agenda while there was still a quorum, so that the deadline didn't run out before his bill was taken up or before he had to be somewhere else. It was very difficult for an author to get his bill dealt with. And generally the order of the agenda was that whoever showed up and was there the longest

would get taken first. First come, first served, with a little deference to leadership and seniority, but not exclusively. Then came the question of whether you had enough votes there. If the bill had no support, it tended to get pushed aside because it wasn't going anywhere anyway.

In this setting, Fred Farr, the senator from Monterey, the father of present assemblyman Sam Farr, was there. His bill had something to do with the state acquisition of redwood forests. It was a bill which the assembly staff and advisors to Unruh thought was good legislation that we should support. And so, Unruh agreed, under a plea from Farr, to take the bill up out of order.

Farr was just coming up to the podium to present it and a messenger came up to Farr with a note. He read it and looked up and said, 'I'm sorry, Mr. Chairman, but I'm going to have to ask for a postponement because I have a very important telephone call.' We learned later that the call was from Adlai Stevenson. The chairman said, 'Senator, I have to remind you this is the last day to take up senate bills, the last day the committee's going to meet.' He hesitated for a minute and then he said, 'Well, I'm sorry,' and he went to take the phone call.

That story says a lot about a lot of things, I think. For one thing, Senator Farr's public image, the way I viewed him, the way I think Unruh viewed him, was as a well-meaning, wishy-washy, soft-headed liberal, with an interest in legislation that was worth supporting, but no guts and no willingness to fight or to see it through. A phone call from a revered idol of left-wing liberals took precedence over the ability to pass an important piece of legislation conserving redwoods. It was ever thus, and that was the difference between the Unruhs of the world and the CDCers of the world. Farr was sort of a CDC type.

HICKE

That's a very good illustration.

- MARGOLIS Yes And if the author didn't take up the bill, there was no way the bill could go Those are the rules by which the legislature works It's unheard of to move a bill in the absence of the author
- HICKE I wonder what happened to that bill
- MARGOLIS It didn't get enacted in that session It might have in a subsequent session My recollection is that Unruh himself authored the legislation to acquire the redwood properties through Park and Recreation Bond Act of 1965
- Well, what else can I tell you about the legislative package?
- HICKE Well, the Unruh Civil Rights Act do you have some more details about that?¹
- MARGOLIS Not really, because it was enacted prior to my arrival As I say, Marv Holen was the principal author I spoke to him yesterday, not about this but about other matters He's the one who knows pretty much about that I can't tell you a whole lot I told you the story about the relationship between the Unruh Civil Rights Act and the Rumford Act and the feeling that the courts were applying the Unruh Act to more and more fields and would ultimately have applied it to housing In fact, the court was in the process of applying it to housing, but in a gradualist kind of way But the Rumford Act was an invitation to repeal which ultimately happened, through Proposition 13 But not having been here at the time it was put together and enacted, I would find it hard to comment on it more than that
- HICKE Do you know anything about oversight after the bill was enacted, or follow up?
- MARGOLIS There was criticism, I recall, of the Unruh Civil Rights Act because it didn't provide enforcement machinery It was really a policy document, which puts on the courts the burden of implementing, and that was thought to be weak on civil rights grounds, bad on government organization grounds, to burden the court with having to carry out social policy But on the other side of that was the

1 A B 594, 1959 Reg Sess , Cal Stat , ch 1866

argument of gradualism versus precipitousness. I can't say we saw this in the whole and complete. It was more a feeling that in this field where tempers are so hot, it's better to move with some caution, to be gradual in the application, and it would get accepted over time, rather than precipitantly and have a rebellion on your hands. That is pretty much the difference between this approach and the Rumford Act approach. We thought that it really should have had *some* enforcement machinery, but it was impossible to enact it.

HICKE

I know in this outline it's listed under law enforcement.

MARGOLIS

What is, the Civil Rights Act?

HICKE

Yes. But it really doesn't quite fall into that category.

MARGOLIS

No. I think there were even moves to add some enforcement machinery later on. I don't remember them clearly. I have a vague recollection of a lot of discussions about the wisdom of doing so or not. And people don't understand the difference in the temper of the times. That was before reapportionment and the senate was very negative to any such legislation. It took a crowbar to get legislation out of there.

I explained how the Rumford Act got out of the Government Efficiency and Economy Committee. That mood is not there any longer on two grounds. One is that the secret dumping of legislation is no longer tolerated. We've come past that point, and the press would no longer tolerate that. The other is that it is a much more representative body. It has more urban representation, and so there's a more favorable attitude toward social legislation than there was then. But even with that it would be hard to move police machinery on civil rights legislation. That's very difficult to do. It was then, anyway.

HICKE

Do you want to just look through the other things that happened there are some under civil rights, and then under the category of law enforcement to see if anything stands out?

MARGOLIS I don't remember the Berkeley Open Housing Ordinance Classroom tape recorders OK Eavesdropping, abortion that kind of legislation, I can tell you where that came from Unruh's closest friend in the legislature was Bob Crown When Unruh was chairman of the Ways and Means Committee, Crown was chairman of the Criminal Procedure Committee The Criminal Procedure Committee was a product of a split in the Judiciary Committee that occurred even prior to Unruh's speakership or prior to my presence in Sacramento but

HICKE In the late fifties?

MARGOLIS I think so The Judiciary Committee was left with general law, the court system, administrative law, and civil law The Criminal Procedure Committee took all of the cops and gangsters kind of legislation It was the law enforcement stuff And it's the place where the [American] Civil Liberties Union had its biggest job of watchdogging

Crown was a lawyer, a genuine liberal, was a very strong defender of individual freedoms, civil rights, and so on Unruh made the committee, a twelve or fourteen member committee The significance of that is it took an extra vote more than a simple majority to pass legislation It was considered a stopper committee, a committee more to stop legislation than to pass it, the feeling being that the legislation in this field is an attack on the Bill of Rights and on constitutional freedoms generally, and that the problem was to prevent legislation born out of hysteria over current events that would diminish somebody's constitutional rights, more than it was to pass anything in particular

HICKE So these would be bills introduced by legislators responding to their constituents?

MARGOLIS Right And so, where the senate did its stopping against pro civil rights legislation, the assembly did its stopping against anti civil liberties legislation [Laughter]

HICKE Did we get a zero out of that?

- MARGOLIS [Laughter] Crown and John Knox were the key members of the committee. They would bring matters to Unruh's attention that came out of their committee work. I'm sure that's where things like the bill on sexual behavior among consenting adults (freedom to engage in it or elimination of penalties for doing so), protection against eavesdropping. I don't remember what the abortion legislation consisted of, but undoubtedly it was the freedom of choice on abortions. Classroom tape recorders. I remember that battle. The Paradise, California School District was taping teachers. They had one of these irate parent groups tape recording teachers and then bringing charges against teachers. So there was a bill to prohibit tape recordings in classrooms. And it passed.
- HICKE How were the lines drawn up?
- MARGOLIS Oh, the liberals were for preventing tape recording and the right wingers and the conservatives were all the other way. But this was one that the liberals won.
- HICKE On what grounds?
- MARGOLIS Offensive to the concept of education. The freedom to explore ideas and think things through and not have to be accountable for them somewhere else. It was what you would expect. An effort at intimidation of teachers, to prevent them from talking about controversial subjects.
- HICKE It wasn't really a free speech type of issue?
- MARGOLIS Well, sure, that is a free speech issue.
- HICKE OK, that's what I was wondering [Inaudible]
- MARGOLIS Well, more than that. In a classroom it would be more a matter of not putting a damper on a teacher's ability to conduct the class and to entertain discussions about ideas that are controversial without being threatened or held accountable to somebody else. Which is a little different than freedom of speech.
- HICKE Right. It's more of a public policy stance.

MARGOLIS Let's see the crimes and violations, I don't remember On campus disorders, I don't remember much legislation. This was rather toward the end of my tenure in Sacramento, but I do recall when the Free Speech Movement in Berkeley began. The speaker is ex officio a member of the board of regents. And because of my contacts at the university, I was his eyes and ears, and I went to Berkeley a number of times just to observe what was going on, to see firsthand. I attended a number of rallies and reported back. I talked to [Earl] Bud Cheit, who at the time was vice chancellor and I think maybe acting chancellor. I think that was the time when [Martin] Meyerson, who was a city planner and coauthored the leading textbook on city planning with [] Banfield. He'd been a provost or something at a New York university like Rochester, and he was a fairly unsuccessful chancellor at Berkeley, the one who followed [Edward William] Strong. Strong got run out by the Free Speech Movement, and Meyerson was the second chancellor, and Cheit was his deputy. I think Cheit succeeded him and then Roger [W] Heyns came in on the tail of that, and Albert Bowker and then after that I guess it was [Ira Michael] Mike Heyman, who is still the chancellor.

So I went down there and I saw what was going on. I watched an old friend, Phil Selznick, get booed off the stage because he wasn't sufficiently radical. It was sort of sad. It was a sad event, because Selznick, who had been a radical in his youth and then more conservative as an adult, was, I think, grasping to become a senior advisor to the Free Speech Movement, to Mario Savio and those people, and they would have none of him. He was over the hill and gone, as far as they were concerned. It was really a sad experience to watch him try to establish his connections to radicalism at an older age and be booed off the stage. He'd been a friend. I think I told you this last time. Whom I had a falling out with over my role in policy legislation, and he and his colleagues were looking down their noses at me.

But I remember Unruh's role really being more in preventing or helping to stop the surge of precipitant legislation designed to clamp down on the student movement or on the Berkeley campus or on campuses generally. He didn't like the Free Speech Movement, he didn't like the uproar or incipient violence, but on the other hand people around him at least had enough concern about the freedom of the university to prevent, or to resist the more aggressive efforts to clamp down on things there. I don't remember specific pieces of legislation or anything making its way through, whether anything ever got enacted about the Free Speech Movement at Berkeley or the radicalism on campus or the riots or any of those things.

HICKE

How about San Francisco State College? That was probably after you left.

MARGOLIS

Yes, I was gone from here when that occurred. I read a lot about it and I kind of kept interested, because I found the whole thing extremely troubling to me and I found it very difficult to make up my mind about what should be done. I would read the long dialogues, debates. I was a friend of people on both sides of the line on the faculty. For example, 'Marty,' Seymour Martin Lipset, was a good friend of mine, and so was Paul Seabury.

A number of these guys were friends of mine and they were of the opinion that the heart of the problem was the academic senate and the left wingers in the academic senate, most of whose names I don't any longer remember, who had not backed the administration and let the thing get out of hand. I was rather of that opinion, but on the other hand, it was a very troubling thing, because the stodginess of the administration invited rebellion or trouble. The people in the administration were caught in the style and methods of the preceding era and those values were changing. They got caught unawares and the question of what the right thing to do. There probably wasn't any right thing to do. Whatever you did was going to be wrong at that stage.

But I don't remember legislation emerging. I remember a lot of attempts and people like Donald [R.] Mulford, who was the assemblyman from Berkeley and was kind of a conservative. I saw him the other day, by the way. He's a very pompous fellow, well meaning, nice, Rotarian type. He was always declaiming and viewing with alarm and offering legislation on behalf of the more conservative elements of the administration or the regents. But most of that was stopped, I believe, by our Criminal Procedure Committee or our Education Committee or by the assembly as a whole.

I don't have too clear a recollection of much of the rest of this legislation. Eavesdropping was sort of like the tape recorders in classrooms. Generally speaking, in Unruh's period as speaker, the effort was to prevent too excessive a swing in the direction of the police agencies against the rights of individuals. It was a losing battle but one in which the movement to erode individual rights was slowed down. That was also the action on pornography and all these other things.

I don't remember much in the way of legislation concerning capital punishment. The big turmoil over capital punishment had to do with the Caryl Chessman case and the governor's inability to make a decision as to whether he was going to let the execution go forward or not. More was going on in the courts. I suppose attempts to ban capital punishment were made in the legislature. I don't remember Unruh having a position on the issue or of its ever reaching a stage where he had to take a position on the issue.

My view most of my life was that I feel about capital punishment like I feel about world government. If there were eight days in the week I would spend the whole eighth day working against capital punishment and for world government, but I don't regard it as a very high order of priority. Or another way to put it, I remember saying at the time, is I'm suspicious of anybody that feels very strongly one way or the other. I mean, I tend to disagree with

MARGOLIS anybody who feels strongly one way or the other I've since become more opposed to capital punishment, but even now I am opposed to it on a lot of different grounds the same ones most people were arguing about all the time But I don't think it's one of our most important issues I think there are lots of other things My main concern is the danger of making a mistake, like this guy who was just let out of jail yesterday, who may not have committed the crime he was on death row for

[End Tape 11, Side B]

[Begin Tape 12, Side A]

MARGOLIS The danger of making a mistake like that is irreversible And secondly, I think the problem with that is it dehumanizes people who support it and people who do it It's not so much that it does so damn much to the criminal It's sort of a lost life, but it dehumanizes people to carry out And when you read the comments of the people who support it, like the ones who celebrated when [Theodore] Ted Bundy was executed a few weeks ago, they sound like animals, not like human beings, and that concerns me It puts a thread of that kind of thinking into human relations, which distresses me

The third thing about it is, people generally are not willing to take care of their problems and their problem people There's too much of a feeling, Let's get rid of them as a way of dealing with it You don't get rid of them, the problem stays People go, but the problem stays We just aren't sufficiently willing to deal with our problem people and problem cases and to confront what the problem is, what the cause of it is how to prevent it We're not willing to pay the cost of really dealing with the problems of our society and by killing the people we want to abolish the problem It doesn't work like that But there are lots of problems That's one of a great many, and I don't consider it the number one problem, by any means, of our society

HICKE Generally, what was your relationship with the attorney general's office?

MARGOLIS Well, it was generally favorable. Stanley Mosk was attorney general most of all of our lives, I guess. [Laughter] It just seems that way.

HICKE [Thomas] Tom Lynch, I think, came after him.

MARGOLIS Tom Lynch was sort of an idiot attorney general, a Pat Brown crony who didn't know which end was up. I don't remember what Stanley Mosk's position was on capital punishment as attorney general. I know what it is since he's been on the supreme court. He's very much against capital punishment on the supreme court. I don't remember knowing what it was when he was attorney general or how he conducted himself.

See, the Caryl Chessman case I think was just a shade before I got here.

HICKE It was 1960 when he was executed.

MARGOLIS Yes, and it was earlier in '60 than when I came. I came here to Sacramento in late September of 1960. It had already happened. So I read only what was in the national news, which was quite a bit, of course, on it. But I don't remember the attorney general's view or position on it.

Crime in the streets. I guess the legislation I recall really had more to do with who could carry guns, what the rights of police officers are versus the rights of suspects. Some of the things like the Miranda stuff was just occurring in the Supreme Court.¹ You know, naturally, before the U.S. Supreme Court began handing down all of those decisions on the rights of criminals or the rights of suspects, the California Ninth Circuit Court of Appeals in San Francisco was a forerunner. I mean, its decisions tended to be forerunners to decisions of the U.S. Supreme Court. It was a very liberal court. So those things were mostly happening in the courts.

1 *Miranda v. Arizona*, 384 U.S. 436 (1966)

Then there would be legislation to try to incorporate those court decisions. I don't remember Unruh as having a big role. That was the area in which Bob Crown was critically important. The person who might have more of a recollection of some of that stuff was Bob Crown's chief assistant, who is still a very active fellow, Louis J. Angelo. I see him every day. He's right now executive secretary or whatever they call it, their staff director, of the Joint Legislative Committee on the Wine Industry. He's in town, lives in the same house he did thirty years ago.

He was very close to Crown. He might have a much clearer recollection of all of that legislation and what Unruh's role might have been in it. Some of that got beyond what I could hang onto. That was an area that I didn't take a great interest in.

The other person is [Assemblyman] John Knox. John Knox is now an attorney, a partner in the firm of Nossaman, Guthner, Knox and Elliott. He was a key member. He's got a great memory. He should certainly be interviewed.

HICKE

Yes

MARGOLIS

But of this period and of this class of legislation he would be particularly in point. There's another former member of the Criminal Procedure Committee, a San Francisco assemblyman, another one of the stalwarts of that committee. What the devil was his name? Irish name, sort of like O'Connor. O'Connell, John O'Connell.

HICKE

I have interviewed him.

MARGOLIS

Have you? He was heavily involved in all of this legislation and very liberal. Represented the western edge of the west wing, or the eastern edge, whatever you call it, of Unruh's political spectrum. He was within Unruh's reach but at the very left edge of it, if you get what I mean. So was Knox sort of that way. Crown, really, but Crown was a little more central on other grounds than this kind of legislation.

On reapportionment Unruh was heavily involved. Crown was chairman of the Elections and Reapportionment Committee before he was chairman of the Ways and Means Committee. So that means while Unruh was chairman of the Ways and Means Committee. The 1960 census resulted in the 1961 apportionment. Crown was in charge. But Unruh paid very close attention and sat in on the discussions with individual members about their districts. He was deeply, thoroughly involved in reapportionment. And Lou Angelo was very knowledgeable about that reapportionment. He was the staff guy for Crown on the committee.

HICKE That's really a major subject. Do you have any other recollections of what went on?

MARGOLIS Yes, but I didn't work on it. The people who worked on it know all the stories. One of them I remember because I've heard the telling of it so much. Houston [I] Flournoy was in the assembly from Claremont, where he taught political science. Back before this reapportionment, when Ralph Brown retired as speaker, and before Unruh took over, they had a session of the assembly in Ralph Brown's honor. Everybody made farewell speeches, resolutions were passed honoring him, and so on. He had been appointed to the district court of appeal by Pat Brown, which is what cleared the way for Unruh to become speaker. Unruh named Bob Crown as Ways and Means Chairman without consulting Pat Brown. That was one of the things that led to the split between Unruh and Brown.

On that day, the retiring speaker, Ralph Brown, performed what I thought was a prodigious feat. He went around the room

All seventy-nine assemblymen were sitting there, and he went from one to the next and made comments, one-liner comments, on every one of them. When he came to Hugh Flournoy, he said, "And there's Hugh Flournoy, the professor. He hesitated and then he said, 'He's *studying* us.' " It was such a put-down, because Flournoy had this aloof, seemingly looking down his nose attitude.

toward the other members of the assembly and, boy, Brown just pinned him, skewered him with that remark I'll never forget it

There's Hugh Flournoy he's *studying* us " And he went on around the room There may be a recording of his comments It would be one of the great documents of California political literature I don't think the assembly sessions were being recorded then I think that came later, but if there had been, that would be one of the great documents in California political history

HICKE

He just did it off the top of his head?

MARGOLIS

Oh, just going around the room and he'd see this person and he'd say, There's so and so, and he'd hit every one of the members of the assembly I just thought that was prodigious I just thought even remembering everybody's name was commendable But you see, that was his constituency, and he was that kind of speaker, which was to know everybody, like everybody, help keep things together but not try to get into the middle of the battles among the members That style of administrative speakership was unlike the political speakership that Unruh occupied Here I'm using political not so much in the partisan politics or electoral politics sense as political in terms of policy substance

Back to reapportionment Flournoy came from this area that was Republican all around, and of course the object of a reapportionment is to try to see whom you can help and whom you can hurt by moving chunks of the electorate in or out of the district and still keep contiguous lines All the members were invited to come in to talk about their district with Bob Crown, who chaired the committee in charge of reapportionment The staff and Unruh would often be present for these discussions, and he would remember all these tradeoffs and interests and how people were affected It was a truly remarkable capacity of his

People would come in and they would beg for this or that territory Sometimes, as in the case of Charlie Meyers, he didn't know his own self interest Charlie Meyers's way of relating to his

district was through the Catholic church parishes, and he knew where Father So and so was and where this church was located, and he wanted them all in his district. Well, Charlie Meyers was a liberal Democrat, and very often those churches were in Republican neighborhoods. Nevertheless, he wanted them in his district. So Crown and Unruh would have to tell him, No, Charlie, you can't have that. That's going to hurt you.' They knew his district; they knew what he was about, but he didn't have the foggiest. The guys who were active then can tell you all of the names of the parishes and the churches that Charlie Meyers wanted in his district. Charlie Meyers is still alive. He's sort of a comical figure. A well meaning fellow, but not very bright.

But Flournoy would never come in to talk and when people would say, Have you had your session? and Why don't you go in?" he'd say, "I'm surrounded by a sea of Republicans and there's nothing they could do that could hurt me. But Jesse kept after him, Crown kept after him and finally he came in. Out of continuous pressure, he finally came in. He saw the maps that they were proposing for his district. And he came out blanching and said, 'They hurt me. They hurt me. I said there was nothing they could do to hurt me. They hurt me.'

HICKE

And was he reelected? Well, we can find that out.

MARGOLIS

I think he ran for controller then, instead of running for reelection, and was elected controller. I could be an election off, but I think that's what he did rather than face reelection in that district at that time. But I'm not absolutely sure of that.

I don't remember too much else in specific detail. I probably knew a lot more then, but I don't remember very much about the reapportionment fights.

HICKE

Anything you can remember about the effects?

MARGOLIS

Well, yes, there was a big increase in the number of Democrats. We had almost too many Democrats for a while there. [Laughter]

HICKE

How so?

MARGOLIS What happens, when the majority party gets too large, it splits into factions. The left wing and the right wing, the liberals and the conservatives. They split in one way or another. It's an important factor in the dynamics of partisan governance. There was a decided left wing in the Democratic party in the assembly, and it was tough to hold them together with these at the other end of the spectrum. It was a tough job. I think we had fifty-two Democrats at one point, just under two-thirds. Two-thirds of the eighty members is fifty-four. Fifty-two is close to a veto-proof body. But it raises hell with the internal governance.

I remember [Assemblyman William F.] Bill Stanton being at the extreme end of the left wing. He was a professor at San Jose State and he voted against Unruh for speaker. He and [Assemblyman] Willie [L.] Brown [Jr.] were the two votes against Jesse. His first reelection after the special session election.

HICKE Bill Stanton?

MARGOLIS Bill Stanton, he was on the extreme left.

HICKE So you really couldn't count on a block?

MARGOLIS No. It was somewhat like the problem of the House of Representatives with southern Democrats joining with the Republicans. Ours was the split the other way, but it still was a problem. Although we were helped by the fact that the Republicans were still at that stage tamer, more accommodating, and so we could join the conservative end of the Democratic party with Republicans. It's similar to what's called the pinto caucus in Arizona.

HICKE In California did the Republicans have that problem before reapportionment?

MARGOLIS Of splitting?

HICKE Of being the majority party, of having [Inaudible]

MARGOLIS I don't know that they ever had such overwhelming numbers, anything approaching two-thirds, or, if so, it was farther back than I have any recall about. The Paul Peek rebellion was during a

Democratic majority, so the Democrats split on that. The Republicans must have split into factions about Silliman, but it really is before my time. I'm not clear about that.

HICKE: So your way of dealing with this, though, was to try to combine with the Republicans certain elements of what the Democrats

MARGOLIS: To some extent. That got harder to do as time went on, because after the Democrats peaked, their numbers started to decline, and the Republicans began to grow in number, and that's when that partisanship began to assert itself. We talked last week about the Gene Lee William Buchanan thesis that partisanship rises as the balance is shifting, during periods of change.

The other way of dealing with it was Unruh himself. He was large enough to contain. He had friendships in all these camps and by using Bob Crown and Bill Stanton or Willie Brown he could keep things from breaking apart, get their vote in key areas where he could appeal to them through these intermediaries, or just by sheer weight of his personality be able to talk them out of their positions. He was very good at that.

HICKE: Would he appeal on a partisan basis or on the issues?

MARGOLIS: The issue. He knew a lot about the issue and a lot about them and a lot about what they had stood for in times before. But that was really all I know to say about that.

Where do we go next? Let me see. [Looks at outline] The urban disorders occurred after I left, and I don't know too much about the legislation on that. The antiwar stuff was all later, '68 and beyond. I was gone by '67. The big fights I recall on the drug stuff were mostly over the criminalization of marijuana, the increase in penalties for sale, possession, use, smaller and smaller amounts and so on. This was one of the big fights waged in the Criminal Procedures Committee.

One of the big losses, one of the toughest losses was over trying to prevent treating the possession of marijuana as a felony. The sale of marijuana was a felony, the possession of large

quantities was a felony I believe, but the possession of small quantities or the use of any was being changed from a misdemeanor to a felony I remember that the fight on that was very, very bitter Unruh and his forces were trying to prevent the passage of that legislation It got out of committee despite the stacking of that committee There was quite a bit of momentum against the use of marijuana It was all mixed up with the student rebellion and the urban disorders

I remember the key vote, the final turning vote for the majority to pass that was a Democrat, a very conservative Democrat named [Assemblyman] Clayton [A] Dills, I think now dead, but his brother [Senator] Ralph [C] Dills has been back in the senate for quite a few years Ralph Dills served in the assembly, I think, and then he left and his brother took his place, and then he came back in the senate some years later and he s still in the senate now Clayton Dills was the final vote that passed that bill out of the assembly and it was a crushing defeat I remember I felt it Jesse felt it, Bob Crown particularly, Jack Knox, John O Connell all those people were really crushed by loss We thought we had it stopped and the last vote was a Democrat, Clayton Dills He was kind of a small town entrepreneur, a Babbitt kind of a Rotarian fellow who went with the bill and passed it out of the assembly On many other matters, even though Dills was very conservative Unruh was able to get his vote, but not on this one That s part of the reason the loss was so crushing We thought we had it stopped That s one of the few times Unruh s count of the house fell short

I see Bradley Unruh s name on here, and that s because he was arrested for use of marijuana This was in about 1969 or 70, I believe It was either during the time Unruh was running for governor or right after he ran for governor in 1970 Perhaps right before It was fairly close to the time he ran for governor Bradley was a problem child, as most of Unruh s kids were He got

MARGOLIS arrested on two things. One is he went joy riding in somebody's car. But he claimed the fellow had said he could use his car. It was an antique car or something like that and he had the keys and he took it out. Then it was missing and they reported it missing to the police and the police caught him.

Bradley is now, was then, just a big bear of a guy, one of the sweetest, softest fellows alive, but he looks like an amiable grizzly bear. He was always getting in trouble. He really marches to the tune of a totally different drummer. In everybody else's book he's a ne'er-do-well, but he's really a sweet guy who helps everybody out and doesn't have any ambitions to be anything other than he is or do anything different. He weighs, I don't know, 350 pounds.

On I think another occasion he was arrested for marijuana possession. The car he was driving was stopped and he was searched. He had a marijuana cigarette on him or in the car and he was arrested for that. Unruh was probably campaigning for governor at the time. He made a statement which is like so many other political figures have had to do. He said, "My kids don't always do the right thing, nobody's kids always do the right thing. I stand by my kid and he's a good kid. I'm sorry that he got into trouble. That's the way it goes. Every parent ought to understand that." It was that kind of a statement which I thought was a good one, a courageous one.

HICKE Before you go on to anything else let me back up to a couple of things. On the marijuana legislation that you lost out on, how do you deal with that kind of a situation?

MARGOLIS How do you deal with it?

HICKE Yes. Does it generate hostility or ambition to work harder, or do you try to figure out what went wrong so you can change it?

[End Tape 12, Side A]

[Begin Tape 12, Side B]

MARGOLIS

The question was what do we do when we lose a big one like that Well, it depends on how much of a legislative personality you are Unruh was greatly one I was not so totally one A legislative personality understands early in the game that there are a lot of votes coming down the line and you've got to continue to deal with the people who vote against you So you may be upset a little, but you know there's another battle coming and they're going to be allies on other things It's just one of a great many issues, and however strongly you feel about it, that's the way it is and you can't undo it Sure, you always wish you'd done a better job You think that if you had worked harder, thought better, spent more time on it, you might have gotten that missing vote You always feel that way if you're truly engaged in the process

I tended to get a little angrier and really feel offended by the person who voted against us I think that tends to be a product more of commitment to an ideology than it is a commitment to the legislative process which is entirely made up of people who are, at least theoretically, autonomous spirits entitled to come to whatever conclusions they choose And there are many tradeoffs One time your allies are one group and another time they're another group and you keep going They are as entitled to their view as you are to yours

I never quite adopted that feeling I suppose it's somewhat elitist I'm not proud of the fact that I got more emotionally involved in legislation than I probably should have, and that's the reason that I cracked off at Pauline Davis when I told you about her voting against what I thought was a good government economy piece of legislation and I had no business doing it

Unruh was the master of this business of you make your best effort and however it comes out, it comes out You learn to live under the new rules If that law passes, then that's the law and you live under it You fight another day, you try again sometime, and try with a different strategy, a different group of people, see if you

can win in another round. He was very good at getting over what is past. He didn't have slow burns or long grudges. He remembered things, but he didn't have anger. He dealt as warmly and friendly with someone who voted against him on something as someone who voted with him. I always thought that was an uncanny thing, a degree of maturity, of adulthood, of being able to understand what the game is you're in and not getting all consumed by passions and feelings of regret or remorse. He was just very good that way.

I think that the degree to which you're committed to a political method. I'm using political in the highest sense of the word, the sense in which Aristotle or Bernard Crick or any of the great thinkers used it, a system of negotiated settlements versus authoritarian or underhanded or sneaky methods of conduct. A truly political method means that you take the results and you live with them. You don't berate or dislike the people who think differently. There are days in which you'll have a majority on your side and there are days you lose. That's the way it should be. Nobody can win all the time. And nobody's perfect.

The settlement system rather than the dictatorial system or the command system or the abolish your opposition system is the one that makes a democratic society possible. It's a hard lesson to learn. Most of the citizenry don't understand it. They consider someone who has a different opinion from theirs to be evil. They're not. It's their understanding, where they are and what their position is, and they're entitled to it. In a legislative body, those representatives are entitled to a vote and it's their vote, they own it. They can cast it however they see fit. That's, I think, really all I can say on that subject.

HICKE

It sounds like an effective form of leadership also. The idea is to go forward rather than look back, and to know that you're going to be doing more things and recrimination is not going to help you.

MARGOLIS

That's right. You're going to need their vote on something else and they're going to want yours and you're going to be able to deal

and dicker. But if you close yourself off because you're angry about the way they voted the last time, you're not going to be able to do that. It's a very important lesson, I think.

What a legislature is is a method of trying to solve a puzzle. It's like trying to square the circle. You've got these eighty members in the assembly, theoretically constitutionally autonomous individuals. Each one has a vote. If they all went their own way, nothing would ever happen, nothing would ever pass. They have to get together on something.

The problem of leadership is how on the one hand to respect that autonomy and at the same time to form a majority, which means persuading people to sublimate the particularities of their differences and join together with others who are substantially in agreement with their position, and that's a very complex process, because there are forces that drive them apart and there are needs that pull them together. And the balancing and the managing and engineering of those forces are the things that make the governing of the society possible.

Much of what happens in a legislature, the protection of the rights of the opposition, or of the minority, are designed to slow down the majority. And yet the command of resources in the hands of the leadership are parts of the balancing act between the needs of consortium and the needs of autonomy and independence. Part of the difficulty of legislatures in our system is that people don't understand that complexity. They don't appreciate conflict as a way of deciding policy, and so they tend to think that the argument, the debate, the fighting, the looking for advantage, the names that people call each other in the heat of debate, the accusations they make against one another in the effort to push their proposals forward are misunderstood and they're not seen as this battle to try to get people who have a right to their own vote to submit it to some group process and to help form a majority. So they think there is something wrong with the

MARGOLIS system They think there is something untoward about it and it loses their respect and support

That's what legislatures have been suffering from in democratic societies because they don't have the smoothness, the "coolth" of other enterprises. Actually, if the system were undermined so there was an externally controlling mechanism, it would look cooler, it would be smoother operating, it would be less messy and better able to speak with the unitary voice of managed public relations, because the source is a solitary source or viewpoint and I suppose it would generate a lot more support and interest on the part of the public.

The absence of that is I think what weakens and diminishes the public support of the legislature. Legislators in the abstract are viewed as the equivalent of used car salesmen in the rank order of public esteem. And that's unfortunate. Now it's ameliorated by the fact that most people who are surveyed think highly of their own representative but badly of everybody else's and badly of the institution. It's often the institution's needs that are short changed like the pay of legislators, for example. They are short changed by this lack of public support.

I'll give you an example. I was executive secretary of the Citizens Conference on State Legislatures and we were conducting a symposium at the Hilton Hotel in Indianapolis. This was to try to establish a blue ribbon citizens group to help the legislature remove some of the constitutional restrictions that prevented it fulfilling its role. One of many objectives was to help increase the pay of legislators who were getting, I believe, at that time in the neighborhood of \$3,600 a year. It was not more than \$4,800 and I think it was more like \$3,600 a year that they were paid as members of the legislature. I think they were getting \$3,600 and there was a proposal in the legislature to increase it to \$4,800, and that was under fire at the time.

MARGOLIS

We had this meeting and we had gathered media people, political people, and business people. That was our role to try to get some kind of multifaceted civic support for legislative improvement and strengthening. We were in this hotel and I had left the meeting room to check on something. There was a sign in front of the elevator on that floor that said "Legislative Conference" and an arrow pointing to where it was. As I got on, these two fellows on the elevator read the sign that said

Legislative Conference' and one said, "Ah, they're probably trying to get a pay raise." I said, "What do you think of that?" I think they're already paid too much." I said, "How much are they paid?" He said, "I don't know, but whatever it is, it's too much."
[Laughter]

At that time the speaker of the house was Richard Bodine, a lawyer, very able, reasonable, sensible, and a Democrat. The minority leader of the house was William Ruckelshaus, who was later director of the EPA [Environmental Protection Agency]. He ran for U.S. senator in Indiana, and he was senior vice president for government relations for Weyerhaeuser Company.

Then a few years later the speaker was [Otis] Doc Bowen until recently the secretary of Health and Social Services. Just as decent and honorable in this case also a Republican, a man as you can meet. This was the caliber of people in the legislature and this fellow said they were paid too much, whatever it was.

So that business of compromise and reconciliation, battle, decide, resolve, reconcile, fight again, that system is essential to protecting individual freedoms on one hand and making it possible for society to move forward on the other, and yet it is badly misunderstood in our society and therefore not supported. And I have great fears for the futures of those instrumentalities that reflect and protect the complexity of our decision making processes.

HICKE Well, maybe we should quit

[End Tape 12, Side B]

[Session 6, April 5, 1989]

[Begin Tape 13, Side A]

HICKE Last time we got about as far through the legislative program as the civil rights and the law enforcement issues. We talked about capital punishment and various things like that. I'm just looking through this outline here. The next section is political relations with party organizations and you've talked about that.

MARGOLIS Yes. I did want to pick up on a part that I didn't complete. It had to do with the 1965 legislation responding to the federal enactment of Medicaid, Title XIX of the Social Security Act.¹ In some ways this was the first big test of the high powered legislative system that we had installed in the assembly, the high powered staffing and the resources for increased policy initiative.

The word was out well in advance that congress was going to adopt the welfare portions of the Social Security Act, namely the availability of health care support for indigent and poverty ridden families. So in our policy planning work we began to think in terms of anticipating the enactment of that legislation. In 1964 we began to employ the resources of the Assembly Office of Research as the organizing mechanism to devise the state's response to Title XIX. The way the congressional act was being written, it would require that a state participating enact a law providing implementation of the provision of health care services to the poor.

So we put together a task force. This was a test of the system. If you recall, the purpose of the Assembly Office of Research was to house senior research people who would cut across discipline.

1 79 Stat. 290 (1965)

lines and would back up committee staff on major legislative thrusts. In this case, if we had been limited to relying on the staff of the Assembly [Public] Health Committee—a secretary and one consultant—there would be no way they could do the regular staff work for the committee for its hearings, for processing the run of the mill legislation that goes through all committees every session, *and* organize a major piece of legislation such as this was going to have to be.

Lee Nichols was then the director of the Assembly Office of Research, and Arthur Bolton was the assistant director or deputy director, and [Thomas] Tom Joe was either an intern or had just been retained on the staff after completing an internship. His assignment was in the Social Welfare Committee. He went on to become rather famous as a national consultant on welfare and health care financing for the poor. A blind Korean, graduate of Berkeley in health policy. When he was an intern we assigned him to the welfare committee, which was then chaired by later Congressman [A] Philip Burton, of reapportionment fame. So he was one of the principals. There were others but I don't remember all of them.

Our intention was to figure out a way to design a plan for California that would take advantage of the new entitlements in the Social Security Act, but at the same time be reflective of the peculiar needs of California.

I took a substantial role in participating and kept then Speaker Unruh informed as to what our plans were. The approach that we formulated was what amounts to a universal health insurance plan for all Californians using the funding of Title XIX for the lower end of the economic scale and premium payments for the middle- and upper-class participants. That plan we named Cal Med.

It had a participation scale that reciprocated. That is to say, the poorer you were, the more the public monies funded it. The

MARGOLIS wealthier you were, the more your own funds would supplement the declining amount of state or federal money that would go into it. It was a purely proportional scale.

We thought it was quite a wizardly product of all of our efforts, and it was actually introduced as a bill by then chairman of the health committee, who was [Assemblyman Jack T.] Casey from the Bakersfield area.¹

HICKE I can get his first name.

MARGOLIS In the meantime the governor and Hale Champion, his chief of staff, were active on this front, and the governor had been dickering with the medical association and the hospital association. Our health insurance plan would also have acted somewhat like an HMO [Health Maintenance Organization], that is to say, it would have attempted to control health care costs through the leverage of a buyer. What's the term? Prudent buyer.

HICKE Wholesale?

MARGOLIS Yes. It had cost containment elements in it. These were, of course, opposed by the medical association and the hospital association. Governor Brown, looking to reelection in 1966, cut a deal with the medical and hospital associations. As a matter of fact, his legislative secretary, Paul Ward, moved from that position to the directorship of the hospital association a few years later.

The governor cut a deal with the associations and they went for straight fee for service, reimbursable health care use of that money. This was under the argument of mainstream health care for the poor. The state was going to provide the dollars for them to buy the same quality of health care as everybody else had. And then, of course, the state didn't provide the dollars and the doctors refused to provide the services. This is still going on today. So there isn't any mainstream health care for the poor, but all it did was raise the *cost* of health care for everybody both in the state and in the country by putting more dollars into limited services and that

1 A B 5, 1965 Second Ex Sess, Cal Stat, ch 4

drove the price up. There were no controls on it, and as a consequence the cost of health care has skyrocketed far beyond the general cost of living increases or inflation or anything else. It multiplied the rates of inflation and cost of living increases. This was just a pure political sellout in return for support in the campaign. So that was what was enacted.

The Casey bill, A B 5 of the 1965 session, had started out to be the Cal Med bill and ended up being the Medi Cal bill, which was the name given to California's response to the unlimited license to steal for doctors and hospitals.

HICKE: Who actually drew up the provisions of that bill, do you know?

MARGOLIS: The provisions of the bill? The people I was talking about. Lee Nichols, Art Bolton, Tom Joe. I'm talking about Cal Med.

HICKE: But for Medi Cal?

MARGOLIS: I suppose Paul Ward and the state Department of Health Services, which was then the Department of Public Health. Whoever the governor's office used, I don't know. The County Supervisors Association was heavily involved, as I recall, because I had a violent argument with [William] Bill MacDougald, who was then the association director for the County Supervisors Association. It had to do with whether they would support A B 5 if we made certain amendments in it. We made the amendments and they opposed it anyway.

When the session ended, he came on the floor, and I recall telling him I'd never believe anything he said again because he lied to me. But that was mostly an expression of my disappointment at the fact that what was enacted was not the bill that we had started out with and had invested so much in and was intended to be so much a test of the superiority and excellence of our system of policy staffing. So the first big test didn't work, but for other reasons than its quality.

HICKE: For reasons of politics, would you say?

MARGOLIS Well, it's all politics. I mean, what we were doing was politics and what they were doing was politics. It's just different politics. For reasons of campaign politics. But I think we were on the right track, and I think subsequent events proved we were on the right track. We could have had a plan that would have had built in controls on the increases of costs and would have prevented some of the disasters that have occurred since then. You can invent a good system, but that doesn't mean that anybody will use it or take it.

HICKE I looked up a few articles in the *Cal[ifornia] Journal* they're from the early seventies mostly having to do with why it isn't working and Reagan's attempt to cut back the costs.

MARGOLIS Yes, well, there were subsequent efforts to get hold of it. As the thing got totally out of control cost wise, there were all these efforts to try to find a way to bring it under control.

Actually I had a little bit of a hand in what finally got enacted here. I came back to California at the end of 1979 after being in the Midwest for twelve to thirteen years running the nonprofit legislative organization. When I came back I was retained as a consultant by then Controller Ken Cory to do a survey of the problems and an evaluation of the condition of the company processing the Medi-Cal claims.

The contract had just been shifted from Electronic Data Services, the Ross Perot company, which had had it from 1966 to '79 to the Computer Sciences Corporation. They were having great difficulties with the system, and the question was whether or not the whole enterprise was going to go belly up and the state would wind up having to process its own claims for all the medical services, hospital services, pharmaceuticals, and everything that goes into Medi-Cal.

So I brought [Steven] Steve Thompson into this research project, and we took a look at it. We did a lot of interviewing in the Department of Health Services and the Computer Sciences

Corporation and the legislature and realized that the Computer Sciences Corporation could handle the problem. The problem was that the Department of Health Services kept revising the program every week, and it never was able to get tested and put on line, because they'd come up with a bright idea for a new research project and they'd want the program altered every time without paying for change orders. The company was going crazy trying to keep up with them.

We finally wrote a report that the department should be constrained and not permitted to interfere. That was what was done, and things were straightened out and all the claims got paid. In our report, however, we said that the problem isn't the claims processing system; the problem is the program itself, whose costs are totally out of control because of this open-ended, fee-for-service, reimbursable system of paying for health care, which is sure to drive prices up continuously without any increase in quality or availability of services.

We proposed that the Medi-Cal program be reformed in the sense of requiring some sort of judgment to be made as to which things were more urgent than others in a limited budget context, and to provide some methods for getting wholesale prices for wholesale purchases through the prudent buyer concept.

So we got a consulting contract from the assembly to do this and we organized a health policy forum. This was in 1980 and 81. Thompson, who is just a brilliant health care economist, has been for some years now the director of the Assembly Office of Research. During the time we were working on this, he was appointed chief of staff when Willie Brown became speaker, and I completed the project. We filed a report in which we recommended all these changes, many of which were enacted mostly in '84 and '85. These were the prudent buyer rules of negotiation, the appointment of a czar to negotiate hospital

MARGOLIS contracts all of these things were pretty much recommendations of the health policy forum project which we conducted

Much of that has been enacted and there is beginning now to be some control. Unfortunately, at the same time the federal government has been cutting its contributions to health care for the poor, so we've lost the indigent families, other than the families with children. Some portions of health care are not being provided, but it's not because of the reforms in the system, it's because of the reduction in the total volume of money available for the program.

My point in all of that was this was an example of what was intended by the type of staffing and increase of resources available to the legislature and policy making, to be ahead of the curve on development of problems rather than behind it. The fact that it didn't work had nothing to do with the efficacy of the design, it had to do with the externalities in the field in which it was operating. But that's a lot of what happens in institutional structure and reform.

HICKE I have two questions. Were you actually taking part in the early eighties changes in the legislative program, or were you out of it?

MARGOLIS No. We finished the report in '81 and Thompson carried the ball on the legislation when he was chief of staff to the speaker. I really didn't have anything to do with it. At that point, in the fall of that year, I went to work in the treasury for Unruh and had no further personal or professional connection with health policy legislation. I was then getting immersed in the business of the treasury game, the business of project financing and all that stuff.

HICKE We want to get into all that a little bit later, but I have one more question. Back in 1965 were you able to garner any support for the Cal Med program? Or was it just pretty much thrown out?

MARGOLIS There was support, yes, but it wasn't widespread. We did not attempt to mobilize outside forces and we did not garner any significant support. We tried to do it legislatively only. Unruh

supported the legislation, but then when the heat came on he felt the game was over. We couldn't buck the tide. They had the forces to change the legislation. Whether or not we could have overridden that tide by mobilizing outside forces, I don't know. We were not quite up to that level, despite what was done with A B 1 (the Arts Commission), which came to us with a built-in support group. I remember that Casey, who was a professor in a very small college somewhere in the lower Central Valley, was a very weak chairman, and we had to prop him up on both sides with staff people so that he could even explain the bill. He had no serious knowledge of it. So these were really staff forces that were fighting each other.

HICKE: You didn't even get the opportunity to have hearings or get the public interested.

MARGOLIS: Yes, there were hearings. I don't recall them too clearly, but I remember the fight on the floor more than I do the hearings. There were people who supported our version of the legislation. But it just didn't add up to a sufficient force to stand off the deal the governor had made with the medical association. The medical association has always been, and still is, one of the strongest lobbies in Sacramento, and the hospital association is not far behind. They generally get their way.

HICKE: Can you think of any other examples? I thought that was pretty interesting that you involved the Office of Research far in advance of expectations of what would be needed. Can you think of any other examples of how that worked?

MARGOLIS: There were other things that we worked on. I don't remember them as clearly because I wasn't myself directly involved in very many of them.

Yes, the other things that I remember—and I was heavily involved in them—were successful and this had to do with mental health legislation. Somewhat the same group of people, maybe changed by a couple at the edges, were put together to deal with

this California had these giant mental hospitals in which there were always allegations of abuse going on. It was always hard to get evidence on that part of the problem. They were understaffed, badly staffed or staffed by people who wouldn't be certifiable to work in normal hospitals or other institutions.

There was a lot of concern around for the civil rights of mental patients and how they were being treated. We had met and gotten to know the people who then ran the California Mental Health Association, the Association for Retarded Children, the stuff that's now all grouped under the heading of developmental disability. And there was beginning to be in the country a big concern about the quality of treatment and care for disabled and the mixture of developmentally disabled with crazy people.

HICKE

Was that after *The Snake Pit*?

MARGOLIS

Yes, it was that sort of concern. *The Snake Pit* movie was a lot earlier than that. But it was a carry over of that type of concern. It wasn't just here, it was starting to occur throughout the country. The associations were growing in support and strength and calling attention to the bad conditions in the institutions.

At this time there were also beginning to be a lot of the tranquilizing drugs on the market. They are also called psychotropic. They mentally numb the patients so they're not difficult to handle. They're sort of corpses, zombies that walk around drugged and dosed up so they're not physical problems to handle. They obey orders and go where they're pushed. This was the basic method of dealing with people in the hospitals.

We had heard a lot about abuses. One night I don't remember exactly when this was, it probably was in '64 we pulled a surprise visit to the state mental hospital in Stockton. I've forgotten the name of it. We took some members, the speaker and the chairman and vice chairman of the Ways and Means. I guess we must have routed the legislation through a subcommittee of Ways and Means. It seems to me Jerry Waldie was one of the

leading people involved in this legislation. He was the majority leader, but I don't know what his committee assignment was. He was certainly one of the key people. [Assemblyman] Frank Lanterman was a Republican member. He was vice chairman of the Ways and Means Committee and a lead author. [Assemblyman Nicholas C.] Nick Petris was another principal in this field. Petris may have been the Health Committee chairman, I think he was at this time.

Either the hospital had been tipped off that we were coming or what we were going to see wasn't true. There were supposed to be wards in which there were people stacked head to toe, with no room between the beds and totally jammed and totally drugged and barricaded. We couldn't find that. Afterwards, we were told that what happened was that they were all stashed in wards we didn't know about and we didn't find, but I don't know whether it was true or not.

[End Tape 13, Side A]

[Begin Tape 13, Side B]

MARGOLIS: There were supposedly some back wards that housed people who were being bound and jammed together and physically incarcerated rather than hospitalized, but we never found them and we don't know whether it was true or not. This is very spooky business and it's hard to know. Unless you get on the inside as a patient or a doctor or something, you can't really know.

The other policy thrust that was going on, as far as setting the stage was concerned. I think the thing that triggered all of this was, there was a class of state employee called psychiatric technicians, psych techs. They were wanting a rather sizable raise. They were paid entry level wages and they wanted a big increase. That's right, this is how this all came about. They wanted a big increase in salary and they were negotiating with the state. It was a Ways and Means Committee budgetary concern that gave rise to

our looking into this whole matter What are psych techs, who are they, what kind of training do they have, where do they come from and are they a profession or not, or are they merely a glorified name for mental health hospital attendants and orderlies?

HICKE

Were they unionized?

MARGOLIS

They were in the process of unionizing And so we learned many were former truck drivers and fruit pickers and people like this who had absolutely no training They were given something like three weeks of training on how to handle patients We were generally opposing the increase in pay on the grounds that they were not adequately recruited, properly trained, nor did they in any way meet qualifications for professional staffing We were appalled that this was the level of person staffing the mental hospitals That s why all this was being dealt with in the subcommittee of Ways and Means

Arthur Bolton, Lee Nichols, and I were key staff people who worked on this legislation Around this time, Alan Short, a senator, was authoring legislation There had been enacted previously, I think actually before I came to Sacramento, basic legislation that provided services for mentally ill patients It was called the Short Doyle Act ¹ [Donald D] Doyle was an assemblyman from Berkeley He was not here when I came to Sacramento So this had to be before 1960 that Short Doyle was originally enacted But in this 1963, 64 period I guess it had to be 62 or 63 Alan Short had some amendments which would have added a few more services The act was intended to provide community mental health services

I think the proposed changes in the Short Doyle Act must have been a later development I'm telescoping a couple of things here The investigation of the mental hospitals really preceded the Short Doyle Act changes It was two separate occasions The investigation of the mental hospitals was more narrow It

1 S B 244, ch 1989, 1957 Reg Sess , Cal Stat , 3535

originated with the psych tech issue, and then we tried to get to the bottom of whether or not there were abuses, sexual abuses, physical abuses at the hands of unqualified people

The most we were able to document was this There was a requirement in law that if you administer a drug like Thorazine you have to do regular blood tests, because there s some side effect that attacks the red blood corpuscles and it could result in anemia and other dangerous health conditions, even death And it was obvious they were using Thorazine pretty heavily when you looked at the people and the zombie state they were in

We did check the medical records and found the blood tests were not recorded in them or they were very outdated, sometimes a year and a half or two years old, and they were supposed to be done quarterly or monthly Those were not being done We really weren t able to conclude anything else, I mean, to document or prove much else But everybody was always telling us I m talking now about the Mental Health Association, the Association for Retarded Children that the conditions were there, we just weren t seeing them, and there were all kinds of spies around there and they took off when there were surprise visits and we couldn t prove anything

My recollection is getting a little faulty in this area I think as a consequence of the hospitals investigation, a subject the legislature became interested in was the right of people to resist being committed What are their legal rights at the time of commitment proceedings? It was apparent that the whole court system/social work complex was a conspiracy to commit people regardless of the necessity Once they got caught in the web, they couldn t get out The psychiatrists were paid to provide their testimony in court that a person needed commitment, whether they did or not There were no protections, no ability to challenge any of these assertions

So we did succeed in getting legislation enacted that was a bill of rights for mental patients, to be able to fight off commitment,

MARGOLIS and to make it more difficult. You couldn't hold somebody more than seventy-two hours without initiating an adequate commitment proceeding. There had to be a defense of the person provided in some fashion, so you ended up with psychiatrist opposing psychiatrist.

Those laws were enacted, not always with the results that we had hoped for, but they represented a step forward for us at the time. The other thing that all of this mental health legislation did, that had more of a system effect, was that Frank Lanterman, a Republican member of the assembly, who as I said was vice chairman of the Ways and Means Committee, had become very much involved. We ended up with the Lanterman Petris [Short] Act, which had to do with the rights of mental patients and was considered landmark legislation in the country at the time.¹

Another proof of the maxim, 'Today's reforms are tomorrow's tyrannies,' was the irony that it subsequently became too difficult to commit somebody to a hospital even when justified. Recently I ran into the other side of that problem. A friend of mine who lives in Berkeley has a son who is crazy, but he is crazy only in fits. He would go off his rocker and commit acts of aggression. He'd brutalize the dog, break the neighbor's windows, beat up his father, things like that, but when he showed up in court he looked all right, like a normal, rational son. It was impossible to get him committed.

At the same time the rights of patients were being asserted, the staffing and the financing for state hospitals declined very drastically, and so there was a long waiting list to get into a state hospital. You had the legal restrictions against committing anybody and when you overcame those, then you had the fiscal incapacities to take anybody in. My friends went through terrible suffering because they couldn't get their kid committed. And he was a danger to himself and everybody else, and yet it didn't look

1 S B 677, 1967 Reg Sess, Cal Stat, ch 1667, 4074

MARGOLIS like it. So the proceedings, all these protections that we had built in, resulted in not being able to commit somebody who was particularly violent.

It points up quite a few things in the department of the "best laid plans." The limitations of reform—today's reforms are tomorrow's tyrannies. All I can say about it, though, is at the time it represented a big improvement over a condition that existed previously. As with so many things with public policy, there can be too much of a good thing, and the adjustments have to be made continuously because it's a very fragile equilibrium and you have to adjust it continuously.

That's why there's no such thing as "solving" a policy issue. Settlements are always in the making; they're continuous. They create their own demands and other demands arise. The world changes. Conditions change. The ability to measure things changes. What you're willing to tolerate in one decade is not the same as what you can or will in the next because you can identify it better. So it's a continuous process, but we weren't altogether aware of that when we were championing all of these reforms.

There was another cluster of legislative activities that had to do with the Short Doyle Act. The Short Doyle Act provided money to local governments for providing mental health services. The concept of the Short Doyle Act, which is a very good one, was to decentralize mental health services—instead of having these remote, large state hospitals off in the middle of nowhere, where nobody would have to see them, but where relatives of people who were in them had a hard time getting to and visiting them, we would have smaller institutions and more varied institutions, that is, lower degrees of security for less violent patients. With the advent of psychotherapeutic drugs, they're really not therapeutic; the ability to deal with people closer to home was greater, and so there was an effort to provide these services closer to home. This is what the Short Doyle Act basically did. So it had some categories,

MARGOLIS services for emergency medical care, for longer term mental health care counseling, and so on

In order to be eligible to receive state funding, the local government or mental health agency had to participate in the program by providing some minimum number of the services covered by the act. Some of these services we called "hard," such as emergency care, crisis counseling, temporary restraint. Another category we called "soft" included information, community education, etc. The difference between "hard" and "soft" was whether or not a medical professional dealt with a client in an individual or small group setting. The Department of Public Health came along with a proposal to add soft services and permit local agencies to participate if they enrolled in two such services. This meant they could get state financing under the act without ever dealing with patients, but by disseminating information and doing things for which there were no means of evaluation.

So our group in the Assembly Office of Research and the speaker's office got onto this and decided that was not a good development, that what was happening was, since they didn't know how to treat mental illness, if indeed it is an illness, they were looking for ways out, which is to provide the soft services rather than the hard services and justify spending the money by doing them in certain nonmeasurable things like distributing information. Who could tell how much information has been distributed or who all became aware of something as a result?

HICKE You can't measure any results

MARGOLIS No, you can't. Our suspicion was this is what these amendments were for. They had talked Senator Short into sponsoring them, nevertheless. We considered ourselves the defenders of the state against the abuses of the self-interested connection between the bureaucrats in the state agencies and the senators who would

uncritically do their bidding And so we went to bat to stop this abuse

A number of interesting and I think amusing things came out of those efforts I have to tell you, again, some of this happened against a background in which I and a number of the staff people met and discussed these matters almost daily I mean we had lengthy philosophical discussions about all these programs at our various retreats at night and over dinners and at parties all the time

I had, sometime before all this, read and been influenced by the rebel psychiatrist Thomas Szasz, who I think was professor of Psychiatry in the State University of New York Upstate Medical Center in Syracuse He had written a book called *The Myth of Mental Illness*¹ in which he made the charge that what is treated as mental illness are behavioral problems, not medical problems They were classified as medical problems because in France in the 1860s, 70s, 80s, the conditions were so bad in the snake pit like hospitals not hospitals, but prisons that the leaders of the health professions thought that if they could get them classified as an illness then the treatment would improve It would be more like the way health patients are treated in hospitals rather than the way criminals are treated in prisons

And so they succeeded in brainwashing everybody into calling it an illness in order to improve the physical treatment and care that was given A noble purpose, but it did some damage in the process by getting everybody confused about what it is they were dealing with If you're dealing with an illness you have to have diagnoses and drugs, and you have to have cures when there aren't any cures, and so on

Our venture into this field was born of this business of the psych techs wanting a pay increase

¹ Thomas Szasz, *The Myth of Mental Illness* (New York: Hoeber Harper, 1961)

- HICKE I was going to get back to that eventually and ask you whatever happened to that? [Laughter]
- MARGOLIS [Laughter] They got their pay increase despite our best efforts. There was no standing in the way. It may have been delayed somewhat. The price for getting it ended up being the building in of some training and some better recruitment. I think we were won over finally on the argument that you've got a large number of patients in hospitals who have to be taken care of. Where do you get the pool of people? There's no training program, there's no classification of this kind, there's a shortage of nurses, and so on. So if you don't raise the pay then you can't recruit.
- HICKE Chicken and egg.
- MARGOLIS Yes. The dog and his tail problem. And so we were finally won over, I think, by that argument, but we insisted on building in the steps that would improve the quality, the training programs, the sources of recruitment. Whether it did or not, I don't know. I wasn't there to follow up on that.
- HICKE Did someone else follow up on it? Was there oversight?
- MARGOLIS I don't know. I don't think so. Oversight is probably the single most important function of the legislature and probably the least performed of all of its duties or responsibilities. Maybe that's a matter we should come back to if you want to just jot a note about oversight. I don't want to lose the thread of what was happening on this legislation because a couple of interesting things occurred. I've given you the setting.

Now other people. Bolton and Nichols, Tom Joe. We talked a lot about whether there is efficacy in the treatment of mental health. The encyclopedia of. . . What was it called? The most recent edition at the time of the *Encyclopedia of Medicine* said that as of that date in the late fifties, there was no evidence to suggest that psychiatric treatment produces results different from the absence of it. There was actually a study done at Metropolitan State Hospital in Los Angeles that showed that people on the

waiting list who never got into the hospital had the same rate of recovery or remission as the people who got in. There was no difference. And yet a lot of money was being spent on the inside. In some cases it was better to be on the waiting list than actually to get in.

Now this is the viewpoint that was informing our activity. Not that we didn't believe there were benefits to be derived from taking care of people who were afflicted with problems, nor that counseling may not be advisable. I don't know how much we articulated any of this, but my feeling was that there may be behavior modification kinds of things that could be done, but they were very costly. They were one on one counseling kinds of things and very costly for the state to engage in. But in the absence of being able to do this, at least the mentally ill should be provided safe, clean, warm, healthy surroundings, free of abuse and drugs.

This was the background against which we received all these legislative proposals from the Department of Public Health. So when Senator Short came along with his amendments, they were going to require only these soft services, while we were concerned about the basic safety, sometimes from the attendants themselves, of the people in the hospitals: the basic safety, the quality of food they were getting, the clothing, whether they were protected physically against the elements, and here they're talking fancy paperwork. So we were not very receptive.

There came to be a set of amendments that were actually drafted by the Assembly Office of Research and probably by Arthur Bolton, but they got to be known as the Margolis Amendments and there was a lot of talk about them as the Margolis Amendments. One day there was a negotiating session with the Department of Mental Health.

HICKE

Between who and the Department of Health?

MARGOLIS

Well, in this case that's what I'm getting to: the doctor was the head of the division that supervised the superintendents of the

seventeen state mental hospitals His name was Dr Edward Rudin [In retrospect, I m not certain this was his position All I know is that he ranked high in the department and he represented the department in these negotiations]

HICKE

For the state he did this?

MARGOLIS

Yes He was deputy director or assistant director of the Department of Mental Health His particular job was being in charge of the superintendents It was like a division The superintendents were the stars out in the field, in the system They were all psychiatrists, some with shaky degrees, but they were all psychiatrists or disbarred from other institutions, or what have you [Laughter] They were all psychiatrists and they had a lot of weight in the department They had a lot of political power in the department I think he was their head or the guy who was charged by the department with coordinating all of them and supervising them He s the husband of the current mayor of Sacramento, Anne Rudin

The reason this stays sharply in my mind is that we had a negotiating session down in the Department of Finance, which is down on the first floor of the Capitol, and so I d come down from the speaker s office There was a lot going on in the assembly chamber at the time and I remember feeling very rushed We were trying to negotiate some compromise on the Margolis Amendments The position we were taking was, we were willing to see these "soft" categories added, but there had to be three out of five hard services, which means treatment that is the hardest of the hard services, and I ve forgotten what the others are

HICKE

Physical well being?

MARGOLIS

Yes, those things, versus circulation of information, conducting seminars and conferences and so on There had to be a minimum of three out of the five You could have the other two if you had

* Mr Margolis added the preceding bracketed material during his review of the draft transcript

the first three, but you had to have a minimum of three of the basic services in order to be eligible for the others. That was the thrust of the Margolis Amendments.

We were down in the office negotiating some give in that formula when somebody brought in a note to me. The speaker wanted me or something was breaking loose upstairs. So I said, "There's an emergency upstairs and I have to leave." Dr. Rudin said, "Are you sure it isn't self-induced like this one?" And I nearly popped him. [Laughter]

I see him once in a while nowadays. I think he's in private practice. I don't think he's in the Department of Health Services or Mental Health anymore, but I remember that vividly. We see him and Anne often at the symphony. We sit not far from one another so we run into them all the time. And we exchange cordial or friendly greetings when we meet, but I never fail to remember that when we see each other. That was one thing that happened.

Another thing that happened is something which would not normally be in the textbooks about how legislation is made. One afternoon I got a call from a lobbyist, a fellow who is sort of on his last legs, but still a lobbyist. Let's see, these are living people and I'm a little concerned about whether I want to use names or not. I think I won't here. Maybe in subsequent editions or editing we might put the names in, but I'm a little concerned about living people. I'll tell you the incident, but I won't use the names. Anyway, on account of the fact this could be highly embarrassing to people who are still alive, I'm going to avoid using their names.

[End Tape 13, Side B]

[Begin Tape 14, Side A]

MARGOLIS: So as I say, I got a call in the middle of the afternoon from a lobbyist and he said, Larry, I've got a problem. He was a friendly fellow and I knew him well. He said, "I have a very tired senator over here who is very upset about the Margolis Amendments. I

don't know what the hell they are, because they don't have anything to do with me." This fellow was lobbying then for the trucking industry and he had some legislation that the senator was somehow involved in.

He said, "The senator is very tired because, and what he led me to know, I won't use the language that he used; he had just provided him with a sexual encounter with a young lady and he had been very drunk." He said, "Why don't you come over? I can't get his attention on this trucking legislation because he's all upset about your amendments." [Laughter] "Why don't you come over and relax and enjoy some of the same hospitality?" I said, "No thanks, it's all right." I didn't think it was exactly the sort of legislation that warranted that sort of attention. [Laughter] "I don't think the textbooks cover that part of legislating, either. However, some of this stuff created some pretty intense tensions among some of the participants, as I've explained."

HICKE

Would you say that was a fairly prevalent way of getting legislation across?

MARGOLIS

I don't think so. The business about favors being provided to legislators or other participants in the system, was around all the time. I never regarded it as a major factor, but I think it was probably significant. I'd put it at the 15 percent level of things that affected legislation. There were stables of people who sold their sexual services and lobbyists who made them available to legislators and legislative leaders.

But I don't think there's an automatic translation from that to an impact on specific legislation. I think in some cases there is some indirect influence, but it wasn't always being used for a direct purpose. It was more to build friendships that over the long haul might produce beneficial results. It wasn't a matter of, "If you vote this way on this, we'll provide you with x amount of booze or broads." So it would be very hard to judge just how influential. You never could trace it. Perhaps I'm underestimating it and

somebody else might overestimate it, but you would be very hard pressed to ground a judgment one way or another

My impression is it might have accounted for 15 percent of the action. It was around certainly, and it had some bearing undoubtedly, but it would be very hard to trace it. It's not as great as I think people who read about the occasional scandals assume that it is. I think that's about where I'd put it.

Well, anyway, back to the amendments to the Short Doyle Act—we got them, but we had to modify them, soften them. We didn't get them in the form you know, you never do—that we had originally proposed them. But they got adopted. They weren't Margolis Amendments. They were carried by some legislative author and it may have been then Assemblyman Nick Petris or Frank Lanterman who authored them. We did have a hand in the negotiations concerning them.

This was one of the fields that I personally had a great deal of interest in and put a lot of effort into, and so I'm therefore a little more aware and knowledgeable about what was happening at the time. They are not bad illustrations of the way in which the legislative system functioned during those times. I can't think of any that would rival those in the volume of my energies, although there were others. I don't remember any that took up as much staff and as much time as those, but there were other smaller things that groups of two or three people would put together to back up the committee staff.

All of this goes to the point that in my view the most you can hope for practically in staffing, on the question of how much research capability can you get into the policy making functions of the legislature, how high a quality

[Interruption]

MARGOLIS

We were talking about what all of this illustrates in my view in terms of how you can organize for research in a legislative context. The most you can expect, I think all of this shows, is that you can't

really get really high powered, first rate academic research in the context of a committee of the legislature. What the committee staff can do best is manage the flow of hearings, information gathering, and the translation, manage the translation into policy, but the original research, the basic research, the high powered research has got to be done in a different kind of a setting elsewhere, somewhat removed from the day to day management, the clash that goes on in the committees. I don't mean so removed as to be in the ivory tower. It can be in the Assembly Office of Research even, but that doesn't have to respond to the daily pressures of legislating or the flow of information.

It can take a longer look at things, it can conduct studies that take longer to complete and more resources than you can provide through all the committees of the legislature. It has to have reaches into university research and other places, but it really doesn't work to try to hire first rank researchers in legislative committees, I don't believe. The institutional requirements and conditions are not right for that.

So this was the thinking behind creating the Assembly Office of Research with that kind of backup capability to the committees of the legislature and sometimes producing those results. Sometimes other events have more to do with shaping legislation than anything that you plan or organize or do.

HICKE Did the speaker make any specific demands on the research office?

MARGOLIS Not personally, but through me, often, yes. But it was really more a case of his making suggestions as to things that should be looked into. We talked to him often about what he thought was going to be coming up on the horizon, and so we would translate that into plans as to what the office should be working on, but the ideas came from a lot of different sources. Sometimes they were fed to him, sometimes he initiated them. But it wasn't a case in which he would be thinking about a problem and then say, "I'd like to get the

Assembly Office of Research to do so and so " He didn't think in those terms He and I might be talking about a problem and I might say, Well, let's get the Assembly Office of Research working on that or somebody else or the committee or whoever or bring somebody in," depending on what the problem was The way it worked was more like that

He wouldn't think in organizational, structural terms He would think "What's the problem?" and then we'd talk about what are the ways we could deal with it or get at it And I, having a more administrative responsibility, would think in terms of who was available to work on it

HICKE

This was really one method you used of solving problems and beginning legislation

MARGOLIS

Indeed Somewhere along the way I don't think we talked about this, but I think I asked you to put it on the agenda for the future, because this again relates to the education of the legislature or how you are organized to do policy making The university and legislative seminars I had some friends at Berkeley One of them was Seymour Martin Lipset He put us in touch with a number of influential university people Through these contacts and meetings, the idea of developing a program designed to amplify the university legislative relationship began to form Discussions led to holding a dinner in Sacramento which included leading figures of both institutions It was held at Antonina's Restaurant at 8th and D Streets, and it was a rollicking affair

Among the university people were Earl Bolton Earl Bolton was vice president for academic affairs I think at the University of California the statewide system A vice president of Clark Kerr We also had in our stable of people, helpers, contacts, Al Baxter, who had been on Clark Kerr's staff when he was chancellor at Berkeley and knew the university Another one of the university delegation at the dinner was Seymour Farber, who was the assistant dean of the University of California medical school Dr

Farber had a highly political personal medical practice. A lot of public officials were patients of his, including Unruh, who became a patient and a friend, and in some respect Farber was an intermediary in this.

I can't recall who specifically initiated the idea. We were always plagued by this question of how to get. Here we have this great university, how do we get the policy branch of government to benefit from the resources and the investment that's made there at that institution? How do they relate? How do the ideas and the knowledge impact on policy making? How does policy making benefit from that? It was always a problem. I've talked about the difficulty, the institutional discontinuities between the way a university works and does its research and the way a legislative body works and makes policy, and how those things are so hard to get together.

As a reflection of that concern, somewhere along the way we landed on the notion that we could maybe not on a continuing research basis, but maybe on a one time shot for various committees of the legislature develop something like a weekend intensive seminar for various legislative committees held at the university, and have the university be the gathering point for talent throughout the state from other universities, private businesses, and people who are expert in different subjects get them together. We would involve the speaker and the president of the university to signal the importance that we attach to this undertaking. It's very hard to get legislators' attention unless somebody in a position of political power commands their attention. They regard all meetings and seminars and retreats as an adventure and a junket, not a learning experience, not anything that takes effort.

HICKE

This would be like the health committee or the mental health committee, where members would get together with appropriate faculty members?

MARGOLIS That s right And so Earl Bolton was assigned by the university, and he had somebody assigned to work with him on these things I was assigned by the speaker on behalf of the legislature, and we put together a series of committee seminars We started with the Revenue and Taxation Committee, which by then was chaired by Nicholas Petris

We decided to start with the Revenue and Taxation committee in part because there was a lot of momentum leading toward new tax legislation, changing the tax structure, increasing the revenues You ll remember we had this big burst of pent up legislation when the Democrats came to power Now there was the problem of how to pay for all of these programs Various proposals were emerging to increase various taxes or to change the emphasis on taxes

David Doerr was the consultant that we had recruited and assigned to the Revenue and Taxation Committee He retired from that position only about a year ago He is now on the staff of the California Taxpayers Association as their tax expert

So the first seminar was held at the Berkeley campus The people were housed in the president of the university s residence, it s a house on campus Kerr had moved out of the house because it was too old and too small and had his home in El Cerrito, I think So the house was used as a hospitality place It was an elegant old 1920s I think it may even be a [Bernard] Maybeck house I m not sure, but an elegant old house

The committee had a membership of about seventeen, I think We picked about ten or twelve of the members of the committee We picked them from across the spectrum We had a couple of really rock ribbed conservatives and flaming liberals I m talking about Bill Stanton on the left end of the spectrum I m talking about [E Richard] Captain Barnes from San Diego as the right wing anchor Some of these people were really conservative, some of them really far out liberals, and then, of course, the bulk of the

committee was in the middle, somewhere in between Democrats and Republicans But it was a pretty good representation of the committee

We couldn't handle everybody nor could we get everybody to come anyway I mean, there wasn't the physical capacity to handle more than, say, ten or twelve because then we had a couple of staff people We had a committee consultant, we had the speaker's assistant, we had a couple of university administrative people and so on Then we had the experts gathered by the university who numbered around ten or twelve themselves, so we had now a whole complement of around thirty, thirty five people They didn't all stay in the president's residence Some of them were from Berkeley and had homes there

HICKE If I could just interrupt for a minute, what induced all these people to participate?

MARGOLIS The request of the president of the university on the one hand, or the demand of the speaker on the other hand I'm not suggesting they were two distinct worlds and they were drawn on by their respective leaders The speaker of the assembly has a certain amount of clout with all these people, like private industry people and even university people, because they wanted to see what he was like He was making quite a name for himself and quite a splash and they wanted to see what he was about They had heard all these tales of accumulation of power and the use of it, sort of the philosopher king kind of use of all this political power They wanted to see what he looked and sounded like

HICKE Intellectual curiosity

MARGOLIS Yes, right And so it worked both ways It had the prestige of the university it had the expertise of the university it had the political power of the legislature working for it It was a marvelous combination

So we got all these people together labor economists, like the key economist from the state AFL-CIO, the chief economist of

Bank of America, Arthur Hoadley I've forgotten who the labor economist was But we had the heads of economics departments at a couple of universities Some of them were at the cutting edge thinkers about these problems, some of them were just very articulate presenters And so you had this rich combination of types of people who could grab the attention of the legislators, and it worked very well

This seminar had a very profound effect right then when it was happening and it had reverberating effects for five or six years afterwards in ultimately changing the tax structure of California The nub of this seminar was that the legislature was bogged down in old ideas, ideas that had passed out of fashion about the effects of various taxes and who benefits and who suffers under various kinds of taxes There was a belief that the sales taxes were automatically regressive and income taxes automatically progressive These were products of conventional wisdom

What the seminar showed them was that across the board among economists there were different views abroad about what's regressive and what's progressive and what produces what kind of economic effects There was widespread agreement and the labor economists agreed that sales taxes were not necessarily regressive if they exempt food and clothing as California's does, that it has a progressivity curve not unlike the income tax curve They showed all these things with charts and graphs

It blew the minds of the legislators that they'd been arguing about things that there are not arguments about anymore They're just ideological positions not founded on any information or fact What they began to realize was that the property taxes are the confiscatory taxes They really are the ones that dampen investment and have negative effects on the economy to a much greater degree than sales and income taxes, which are only paid when productive economic activity is taking place I don't mean to rehearse all the arguments, but this was all the kind of stuff that

MARGOLIS was coming out of the seminar and the legislators were just fascinated

HICKE This was a forerunner of a lot of things that happened

MARGOLIS Oh, yes Just another word about the seminar itself A very good dinner was served The seminar started with a luncheon at the residence of the president of the university, and some people were brought into the lunches who were not in the seminar from other fields, distinguished professors of history, art, or something else, just to say a few words, talk about what they do, welcome the people while a nice lunch was served The president of the university and the speaker spoke of what their hopes and aspirations for these seminars were And then you had this other effect people sitting next to each other who were in totally different fields and getting to know each other a good educational experience

The seminar ran through the afternoon and there was a break for cocktails In the evening during dinner there was a prepared talk and I think the dinner speech may have been on archaeology or something totally different from the subject of the seminar After dinner there was brandy and cigars and a chamber music group from the music department So the university was showing all of its wares and it was stretching the minds and imaginations of the legislators and economists, and not drowning them in economics or in taxes The next morning the session resumed

The first session, as I recall, was organized along the lines of how the tax structure of California got the way it is what the beliefs were and what the forces were that drove it to be the kind of tax structure that it was Then in the middle there was a session on What's wrong with that Then the next morning the session was devoted to "If you had a free hand to create the kind of tax structure, if you were writing on a blank slate, what would the tax structure look like?" Various economists took their turn at describing it There was a high degree of consensus among

them a difference of emphasis, but the core was very much the same

This was a real eye opener to legislators that there was that much consensus among economists across the economic and political spectrum who would have that degree of unanimity So they were deeply impressed Then there was some sort of closing ceremony at the end of the afternoon of the second day That was the seminar There were materials, but not a lot It was not done as a big studious thing It was done more as a mind opening and stretching exercise and it had a powerful impact

In the first legislative session following the seminar, I think the result mainly was to stop legislation that continued to deepen the ruts the tax structure was already in It took a couple of runs before the shift was made from stagnant taxes, property taxes, confiscatory stagnant types of taxes Emphasis was reduced on those and the emphasis was put on sales and income, dynamic business activity you only paid them when things are moving

A big shift occurred in the next five years in that direction Petris was the author of most of that legislation Doerr was the expert behind the scenes There were hearings conducted and there s a five volume, boxed set of the hearings of the Revenue and Taxation Committee on the total reexamination of the tax structure of California in which they were able then to draw on these people they d met in the seminar to come to the hearings and testify

[End Tape 14, Side A]

[Begin Tape 14, Side B]

MARGOLIS And so the committee which conducted these hearings on the tax structure of California were able to draw on the expertise of people they d come to know in the seminar and have them come and testify at the hearings, which over the longer term resulted in a very significant transformation of the tax structure of California

Even so, it wasn't enough to head off Proposition 13 in 1978,¹ but it was a movement in that direction, and of course, things fell apart on a different level resulting in the passage of Proposition 13. Maybe it could have been headed off if the legislature had been doing the kind of work represented by the seminar in the years preceding Proposition 13. It would also have helped to have been able to get the governor to focus his attention on that problem. It was the combined impact of inflation and property taxes structured the way they still were, even though some emphasis had been taken off, personal property taxes had been eliminated altogether, but the real property tax was still there. It did not bear the same weight as in previous years, but then when double digit inflation came along and the property tax rates were what they were, then the combined impact skyrocketed property taxes. That's what led to the rebellion that was expressed in Proposition 13.

HICKE

It sounds like you had your finger on the problem, though, a decade or more earlier.

MARGOLIS

Yes. And all along the speaker was arguing we've got to further reform the property tax or we're going to have a backlash. He was saying that right along. You remember his famous saying, the surplus that was building as a result of the collection of taxes was obscene.

But the problem is an inherent legislative one in the absence of strong leadership, either executive or legislative leadership. You introduce legislation to reform a tax and pretty soon various interests see an opportunity to get their favorite thing, so they just load it up. This is called the "Christmas tree effect" of legislation. You get an omnibus bill and everybody sees an opportunity to hang an ornament on it that satisfies their special interest. They may all be good things to do, but they end up buckling the tree. The tree comes toppling down by the sheer weight of too many ornaments.

1 Proposition 13 (June 1978)

- That kept happening year after year. No matter who initiated it, an omnibus tax bill was introduced, everything got hung on it, and it never could get passed. It just comes crashing down. It requires the exercise of discipline to say, "These things we're going to allow, these things we're not. They may be meritorious in their own right, but here's where the line is drawn, and Goddammit, we're going to run with this piece of legislation." There hasn't been anybody strong enough to do that or willing to do that.
- HICKE: Maybe there wasn't a strong enough desire to get this legislation through to prevent the Christmas tree effect?
- MARGOLIS: No, it isn't that. The initiators of the legislation are on the right track. But then, there's not enough control being exercised to prevent all these other things that are in their own right desirable, but the combined effect will be to knock the thing over. You have to stop those additions.
- HICKE: I guess what I'm asking is, would a leader who is strongly interested in seeing the legislation passed prevent this Christmas tree effect, or let it happen to some other bill that he didn't care as much about?
- MARGOLIS: Yes, by saying, 'Look, we've considered what we're going to include and what we're not going to include. We're not going to include your thing and you're still going to vote for the bill. But the leader has got to be willing to say, 'And if you don't, you're going to be punished this way" or "if you do, you're going to be rewarded that way." That's what the function of leadership is, to organize majorities.
- HICKE: But it also takes a strong interest in this particular piece of legislation.
- MARGOLIS: Yes, right.
- HICKE: So maybe the property tax legislation wasn't as important to the leadership?
- MARGOLIS: Well, that's not the way I would say it.
- HICKE: I'm asking that as a question. I want your opinion on that.

MARGOLIS

That kind of an issue is always major. The results show how major it is. The leadership recognizes that and acts on it. It's the failure of leadership to let things rock along until they become a crisis and there's nothing you can do about it.

So anyway, that was the seminar on the tax structure. Working in the legislative calendar and the university calendar has some hazards, but three months later we organized a second seminar. It was built around the Committee on Local Government and it dealt with things like the growth issues, the business of government consolidation or municipal incorporations. It also considered land use planning and control of growth. The Committee on Local Government. John Knox was the chairman of it at the time. [Thomas] Tom Willoughby was the chief consultant. Willoughby is now the head lobbyist for PG&E [Pacific Gas and Electric Company] here in Sacramento, but he stayed with the committee position until about five years ago.

Much of the basic law on local government incorporation was written by that committee during the time that Knox was chairman. Knox told me something kind of interesting the other day. I was talking to him just a few days ago. He's an attorney in a large firm and semiretired. He and Unruh were not really close. He was out of a different kind of a political operation. He was closer to the CDC than Unruh was. He supported [Assemblyman] Carlos Bee, who would have been the odds on favorite to follow Ralph Brown as speaker and had a lot of votes signed up until Unruh got into the race, and then Bee fell out of the race and supported Unruh before it was over. But he had a pretty strong following. It would have been a continuation of the previous type of leadership, the sort of housekeeping, good buddy leader, not the institution building and strong leadership kind of speakership that Unruh represented. Knox was a part of the Carlos Bee faction. So he and Unruh were never really close.

The local government committee was a B committee, it was considered of secondary rank. But Knox had accumulated enough seniority to be given a committee chairmanship and he was certainly an able legislator, an attorney and knowledgeable, and so he got that committee. He was telling me that Unruh unwittingly made him a millionaire because he didn't know anything about local government or incorporation or any of that when he came to the legislature, but he learned it being chairman of that committee. As a consequence, some of his law practice went in that direction, and he became the attorney for a piece of land in San Diego County which is the largest single development under one ownership of any parcel of land in the state. It's called the Otay Ranch, and he's not only their attorney, but he was paid some of his fees in an ownership interest. It has now become such a valuable property, he says Unruh has made him a millionaire unwittingly or unintentionally by sending him to this kind of limbo as chairman of the local government committee. [Laughter]

Knox, by the way, also figured in something I was telling you earlier in that he's the guy who got us Steve Thompson and me the grant to do the survey of the reform of Medi-Cal, with the Health Policy Forum. He was chairman of the Health Policy Forum. Just as he was leaving the legislature. He had been speaker pro tem and dean of the assembly at the time that we were doing that. And he was chairman of the health policy committee in the assembly. He left the legislature that year and continued the chairmanship of the Health Policy Forum even in private practice. So I've had a fair amount to do with Knox. That was sort of interesting.

Well, that seminar didn't have quite the verve for two reasons. One is that the subject matter wasn't then as discrete and demarcable a field of activity as the tax structure of the state. That has fairly defined boundaries that are well recognized. The local government committee had a wide range of concerns and interests,

MARGOLIS

and the growth and no growth issues were not as well understood. Environmental concerns were not as great yet and population growth hadn't gotten as far along as it has since. In part, the diffusion of focus, I think, was one of the problems of that seminar.

The second was that the bloom was off the rose. The first seminar had the full attention of the speaker and the president of the university. The second one was turned over to their aides and it had less personal backing. I don't mean to say they were uninvolved, it's just that they were less involved. They didn't crack the whip as hard or attend as much. In fact, I'm not even sure whether Unruh attended. He attended the first one. Whether he attended the second one or not I don't quite remember. I think something came up that had him out of the state during that time. So for whatever reason, that one had less impact, but [it was] nevertheless significant. It was important. It had some impact.

The third one, I'm having trouble even remembering what the subject was. Oh, yes, I know what it was. It was the Finance and Insurance Committee. I think the second one must have been the Finance and Insurance Committee. This can be checked out. The second one must have been. And it was on social insurance which includes workmen's compensation, unemployment insurance, disability insurance. It focused on what do we do, how do we do it, how do we compare to others, what are the purposes being served? Things get shifted. Once you get a program installed, it starts to get used for other reasons, like Social Security now being used to do welfare, child support, a whole bunch of other things. Well, the aim here was to try to get at that.

Jerry Waldie was chairman of the Finance and Insurance Committee. Again, I don't have as clear a recollection of all that transpired. I know I attended it. I don't think I attended the local government committee one. It was held at UCLA. I was going to night law school here at the time and I don't know whether I resisted going because I didn't want to miss law school classes.

MARGOLIS While all of this was going on, I was going to law school at night
 Also our three children were born during those years

HICKE It's nice not to be bored, right?

MARGOLIS [Laughter] The point is that these seminars made a great start,
 they petered out over time. It was very hard to sustain the level of
 attention and commitment that the first one was given. I don't
 know whether that's an inherently necessary condition, but I do
 know that it's a great way to have impact, to bring to bear the
 resources of great institutions, like the university, on the policy
 making functions of the legislature. I think more of that should be
 done. It's hard to do, it takes a lot of resources and it takes the
 direct involvement of the leaders of the institutions to make them
 work, but it can have a powerful impact on the quality of
 legislation. Not just a package of legislation, I mean the way those
 committees legislate for years after that.

I think committee retreats, committee seminars are extremely
 important to do a lot of different things. One is to focus attention
 on big issues, drawing in expertise you could not command in any
 other context. It has to be a fairly big event to get that kind of
 support.

They also serve to promote communicating across political
 lines that needs to be done, and that can't be done in the conflict of
 legislating. All of the divisions sharpen between parties, between
 factions, during the business of having to make decisions, but in the
 period when more relaxed attention can be given, it's possible to
 take risks, to explore ideas, to entertain the possibility that
 somebody else has a better view of the problem than we do. The
 setting permits the relaxation of the tenseness of our commitment
 to our narrow partisanship of one sort or another. I think those
 should be used more often to the benefit of the legislature, the
 institutions like the university, and the people of the state. Those
 were great events and I think they had big impacts, and they could

well be employed in the future whenever anybody wants to pay attention to the quality of public policy making

HICKE

Would you characterize them as fairly nonpartisan meetings themselves?

MARGOLIS

They were careful to be There s a sense in which nonpartisan may not be the right word I mean, they did not push a partisan line In that sense nonpartisan, but they were very conscious of the partisanship of the people in them, and attention was paid to

What about this issue that s raised by people who are partisan to this view?' and 'What about this view?' Is there a commonality of views across those lines or not? In other words, it wasn t an attempt to deny the existence of differences of point of view but rather to try to make them more precise, so that things were not dealt with on ideological grounds but rather by isolating the preferences and eliminating the confusion over the facts about them

In other words, you re still entitled to be conservative, and there was no effort to try to make liberals out of conservatives or vice versa, but rather to point up how much is in conflict because they are matters of philosophy and choice versus what are the facts The aim was to try to get a cleaner separation and distinction and understanding of what those are and where there is consensus across partisan lines, at least among the experts, so that legislators aren t battling the issue on totally ideological grounds, but rather have an understanding of what the facts are about that situation, and stipulate the facts and argue over the choices That narrows the range of conflict rather considerably

HICKE

That s really interesting It certainly comes under the heading of good government and maybe even approaches the philosopher king type of thing where you have a not entirely detached, but somewhat detached viewpoint

MARGOLIS

The very remarkable thing about Unruh was that he was willing to use and I ve said this many times a portion, not all, but a

portion of his political power for these purposes. He wasn't 100 percent committed to these things. But he was willing to use a significant portion of his powers for these purposes. He was building a longer run gainer for himself, I think, as well as for the people in the state and the legislature. The great thing about effective leadership is to find ways to align personal ambition, personal well being and benefit, with public benefit. Not to have them in conflict with each other. And in those years, that was the outstanding thing about him that he was willing to do that. If it hadn't been for that, all of these efforts would have come a cropper and we never would have gotten anywhere. The usual kind of legislator, or what we have now over there. I hope it takes a while to get that into print. [Laughter]

HICKE

The statute of limitations may have run out. [Laughter]
[Discussions deleted]

Let's see, we're still going through some of the legislative highlights here. Consumer protection we talked about the Retail Sales Installment Credit Act and that was actually before your time. Then Recreation and Natural Resources. In '59 there was an expanding of the beaches and parks program bill, and then in '63 guaranteeing public access to public beaches. Were you involved in any of that?

MARGOLIS

A little bit. Where Unruh's interest came from in that field was that he had an earlier assignment, before I got here. He was on the Natural Resources Committee. It was one of his first committee assignments as a member of the legislature. And that committee had a remarkable chairman and committee consultant. The chairman was a man named [Assemblyman Francis C.] Lindsay and from Loomis. He's a liberal Republican with a great commitment to environmental protection and preserving California's great natural resources. The consultant was a man named Sam Wood. The term consultant has been used to cover a couple of different kinds of roles. In this case it was consultant

really as somebody who was not on the staff of the legislature, but came in to assist a committee on holding certain hearings or advising them on certain types of legislation. They were part timers.

HICKE

Ad hoc

MARGOLIS

Yes, that's right. They were contract consultants. Whereas later the full time salaried position, the employee of the legislature, the principal manager of the committee, was called the chief consultant. That's why the confusion between the two. Sam Wood was the earlier kind of consultant, the ad hoc consultant or the contract consultant, and he worked for the Committee on Natural Resources. Sometimes these consultancies had a tendency to repeat year after year, but they normally didn't.

Wood later was executive director of the California Tomorrow Foundation, a foundation which still exists, but now has changed its focus. Wood may still be alive. I used to see him fairly often, but I don't anymore. He's probably over eighty. He was one of the original Sierra Club types, sort of the equivalent of mountain man in the consultant's seat [Laughter] and had a big impact on Unruh and Unruh's thinking. Unruh came from the inner city, very little outdoors experience or knowledge.

Sam Wood had a very important role in sensitizing Unruh to matters of the environment, the natural resources, and the physical geographic beauty of the state. Unruh became more of an appreciator of those as a result of his service on that committee. Which does help to show the acculturating function of committees of the legislature. They take people from diverse backgrounds and educate them and change their views. They're one of the civilized, conflict resolving mechanisms in our political system.

I wasn't close to whatever it was that gave rise to the [Cameron Unruh Beach,] Park, Recreational [and Historical Facilities] Bond Act of 1964. I think it was called that, wasn't it?¹

1 S B 153, 1963 Reg Sess, Cal Stat, ch 1690

Well, you could look it up, but I believe that it was I know we hired Al Baxter, another special consulting task, to try to figure out and weigh the relative merits of projects competing for funds He did an ingenious analysis of how you spread limited resources over a number of possible selections How you rank, order, and evaluate different projects that are candidates for acquisition or development by the state, using the proximity to population centers and other variables such as costs versus how much acreage is being acquired He devised a calculus for aiding determinations of that sort

He was retained through the Assembly Office of Research again another illustration of bringing high powered math and science into policy making His work helped to figure out which projects to include and which ones not to include in the negotiations between the north and the south, between the urban and rural, Republicans and Democrats They were able to place all these projects on some sort of a scale and then could negotiate from left to right, or right to left on what s included We decided what s the biggest bond issue we could hope to go for and have some success of enactment Then it was necessary to decide which things do and don t get included, what s the ratio of development to new acquisition

The state owns a lot of land, some of it undeveloped, and the argument when you re doing this kind of business is, should you spend the money to develop the places you already have or should you buy more land before it gets taken out by development and preserve it for future generations? There are the advocates of the "make it usable now versus "bank it for the long run" so you ve got to negotiate those issues You have to have some sort of system of determining which is more important, how you put them on the same scale of value, how you weigh them against one another

So he devised a plan for that There s a report around somewhere in the archives or legislative records on how to do that

[End Tape 14, Side B]

[Begin Tape 15, Side A]

MARGOLIS Those are some things about the Park and Recreation Bond Act of 1965 that I recall I don't have a comprehensive view of that legislation I know some of what motivated Unruh, but I don't know altogether what the immediate push was to author that legislation

I know he was always very concerned about the beaches and the rate at which beach property was being taken into private ownership and lost to the ordinary citizens of the state In any state parks legislation he was the defender of the beaches against the advocates of the mountains or redwoods or other remote location lands He would trade for x amount of support for beaches in the population areas for his support for the mountain and other rural, more remote kinds of acquisitions

He was also very much interested in the Santa Monica mountains, in acquiring some of that land inside the city because of the extreme pressure on environmental issues and the need for recreational property close to large population centers He was always on that side of those issues, and his work on that act had to do with that I can't think of very much else about it that explains where it fits in things much more than that I imagine there are others who have a clearer, sharper recollection of that legislation That's as much as I can remember about it

HICKE Well, there are a couple of other things here that I might bring up But also we talked about oversight, so maybe we can go into that a little bit now

MARGOLIS Yes

HICKE One of the most important and least performed

MARGOLIS Yes, and that's true all over It's not just the California legislature There's some reason that I've never been able fully to appreciate

that seems to deter legislators from taking an active role in oversight

My view of what oversight consists of is that members of a committee decide to initiate or process legislation to make some change in the way government works or to appropriate funds or resources to accomplish some end and then they take a born yesterday attitude towards what they have done. After it's done they forget about it and go on to other challenges, to enact other laws without looking at whether or not what they did accomplished their purpose. They don't ask how it's working, whether it needs adjusting, or whether that settlement has to be renegotiated.

To do oversight effectively requires a long attention span, which is uncharacteristic of people in elective office. All the other pressures cause short attention spans, a lot of demands coming from a lot of different directions. But it takes a long attention span. It takes a stick to itiveness, perseverance, hard work, digging, going against the grain, fighting, sometimes opposing the administration of your own party, as we talked early on about the Ways and Means Committee and the Unruh-Brown conflict.

There's very little publicity unless the oversight results in opening up a huge scandal, which is rare, it doesn't happen all that often. It's the grunt work of legislating. It keeps other people honest, but that doesn't get you a headline. Enacting a piece of legislation, creating a new program, that's a headline, that's a publicity break. But the grunt work of keeping the machine tuned and scraping the excess grease off, fixing the holes in the tires—that doesn't command widespread attention.

HICKE

It's not a positive accomplishment.

MARGOLIS

Right. It's not viewed as that. I think it is a positive accomplishment, because half the time after they enact legislation the bureaucracy does whatever it wants anyway and changes it with rules and regulations.

You enact a program, and then you have to give it to a department because of the division between policy making and administration. The executive branch does the administration. Typically the legislature does the policy making, but the legislature can't administer. It's not allowed by the constitution to administer, to execute, to carry out, to implement. It has to defer to the executive branch or the administration to do that.

Very often legislation is passed which has big statements of principle but gaps in between as to how you do that, and so it will consign the job of doing that to the administrators, to write the rules and regulations and fill in the gaps between major principles.

The first step of oversight is to see how those rules and regulations are devised and promulgated. Well, that's dull work. It's the technical details. But that's where the gain is. Mies van der Rohe, the great architect, said, 'God is in the details.' But legislatures don't like to do that because it doesn't have the panache, the flair that enacting new programs has.

The first step is to oversee the bureaucracy and how it implements through the promulgation of regulations. And then the next step is to keep track of the questions you asked the first time when you decided that the answer was to authorize this legislation. Do those questions get answered? Are they still being answered the same way? Is it working the way it promised? Well, is that happening?

One of the building blocks of being able to answer that question is evaluation. And evaluation in complex undertakings is very very, very difficult. Isolating what are the key factors, recording what changes have taken place, making sure the change wasn't caused by something else rather than what you think it was. Evaluation is an extremely difficult problem. But it's not unachievable, things get evaluated and decisions get made all the time. But it takes a kind of expertise, it takes a kind of math based

MARGOLIS

examination that is difficult to do, difficult to follow, difficult to understand. It takes a very patient and durable attention span.

Well, these don't get done. It really takes a full time, committed legislature to do that. My view of the professionalized legislature is that it goes into these various cycles in different times of the year, from gathering information, from formulating policy, from enacting legislation, from overseeing the adoption and promulgation of regulations, of periodically reexamining how the thing is working, recycling the legislation as a continuous process. It's the full expression of legislators doing their whole job all the time.

But you have, countering that, the fact that legislators are engaged in other methods of earning their living. Not all of them are full time legislators, even the ones who say they are full time legislators aren't full time legislators. They have other political ambitions and there are things that deter them from doing this job, political things that deter them. They don't want to rock the boat in their own administration; they don't want to work that hard. They feel they worked hard enough to get elected, they shouldn't have to work that hard to do the job. [Laughter]

This is one of the reasons I think the really important part of legislative ethics is not whether anybody is stealing money or taking advantage of the opportunities to enjoy the company of professional women, like that example I gave you earlier. The issue really is whether this job is being done, because nobody else can do it. They're occupying a place that nobody else can. It's this sort of thing that makes government work.

The question of ethics is made up of a lot of considerations. One of them is doing the job that you've taken on the responsibility to do. You've accepted the position, you've got an obligation to fulfill it, because nobody else can. That's where the focus needs to be, not on peccadillos and occasional aberrations. But is this job being done? It doesn't have remotely the attention, the

MARGOLIS investment, that it needs to have. And I'm not sure I know how to get it, either. It takes a different breed of people, I think, to get that.

Last night I was watching the late news. They were reporting on the governor's insistence that people vote on whether to increase the gas tax. The state is running out of money to build or repair highways and everybody is clamoring about how long they spend in traffic jams and how they can't get from here to there and how it's choking economic development of the state. They conduct an informal telephone poll on the news on one of the stations I watch. They asked if there was a proposal they didn't even say how much on the ballot to increase the gasoline tax to pay for highways, would you vote for it, yes or no? And the vote was 74 percent no.

HICKE I don't believe it!

MARGOLIS It's not a scientific sample and the negative is usually encouraged by that kind of sample. Only the people who feel strongly against things take the trouble to call. But nevertheless, how are they going to pay for it? Do they want to stay home? What do they expect to do?

HICKE I don't understand that.

MARGOLIS But that's the investment that it takes to do a really competent job of running a government, making it work. It takes investment. There's not a lot of willingness to do that.

This is the realm in which I think the ethics are really in terrible shape, legislative ethics. The ethics of fulfilling the responsibilities of legislators, of carrying out obligations is really in terrible shape. I don't think that an important fraction of the members of the legislature even visualize that this has anything to do with them, that they're falling down on the job, that this is an unmet need, or this is even a part of their job. I don't think they even see it. Maybe 25 percent of them do.

HICKE Wouldn't you think the increased number of initiatives would be an indication?

MARGOLIS Well, it's like an old story. Up on the moors, the old Scottish farmer comes out and yells for the shepherd who is out there in the field to come with his lantern. The farmer yells, would he come and help out, his wife is delivering a baby. So the shepherd comes and he holds the lantern while the woman is giving birth. So the farmer delivers the baby and the shepherd leaves. The farmer comes running after him and yells, 'Come back with your lantern. She's having another one.' So she delivers the second one and has twins and the shepherd starts to leave again. The farmer calls to him again, Come back with your lantern. She's having triplets. And so they deliver the third one and this time the shepherd is washing up and leaving and says, 'Do you think you'll be needing me any more?' The farmer says, 'No, you'd better get out of here. I think the light is attracting them.' [Laughter] Well, I don't think they have the concept of what's causing initiatives. I don't think they've figured out the connection.

HICKE [Laughter] That's great. That's a perfect story.

MARGOLIS I had visions of trying to do something, really, about it. All the time that I was running the Citizens Conference on State Legislatures, which later became Legis 50, the Center for Legislative Improvement, I was trying to devise methods to get legislators to focus their attention on this part of the problem. It was extremely difficult, because after you leave California the degree of professionalization, with the possible exception of New York, is very, very low in legislatures around the country. The part-time character is even greater, and the amateurishness and the lack of staffing, lack of resources, is greater in all those other places. And so it was very difficult to try to do that.

When I looked at Congress, where presumably access to unlimited resources exists, there was a little more of it being done. There was some more oversight activity. They have a better

understanding of its role but nevertheless there's a lot that got away. The problem in Congress is the development of the Iron Triangle, so called, where the subcommittee of the congressional committee, the subagency or sub bureau of the executive department, and the private industry interests most affected became the Iron Triangle that controlled what went on with the appropriations how they were spent, what rules and regulations were adopted and so on because nobody else was paying attention.

That's called the Iron Triangle and you can't get through it. The notion a new secretary of defense can change all of that is foolish, because the existence of the Iron Triangle locks all of those powers together. It exists because the rest of Congress isn't paying attention. If they were, they wouldn't tolerate it, because it's not in their interest to have that lockup.

What I'm pointing out is that having command of resources and a more active legislature won't necessarily get you there, because you have side excursions like that which interfere with doing effective oversight, too.

But I battled this notion, and we directed some of our efforts in these organizations to trying to do something in the field of legislative ethics as the way of getting at it more than trying to show the technology of how you do it. But [the object was to] try to get people to have a better understanding of what their obligations are as legislators rather than try to show them the techniques of actually doing it. We had some effect, some success. I think there's a modern conception of ethics developing now that sees things in these terms. For so long, the whole business of ethics had to do with misdemeanors having to do with sex or stealing money and not about how obligations are fulfilled.

HICKE

Free lunches and so on?

MARGOLIS

Yes, which I call the armpit sniffing side of ethics, not the really substantive work. In 1979 when I was looking for a way to get back

to California after I had decided that legislative reform was my Vietnam. I couldn't win. I couldn't get out. So I followed the example of the United States, and I declared a victory and left [Laughter]. I wanted very much to get back to California and I wanted to come back in a way that didn't hide my light under a bushel. I had aspirations to have an impact on the place and was going to return, and having been to the wars in the rest of the world, I wanted to bring all this back with me and have some impact on government in California.

At that time the auditor general, William Merrifield, who was the first auditor general, retired. The position was open and it was the subject of a national recruiting effort. I thought, 'Well now, the auditor general is not exactly the kind of position I wanted. It's a numbers cruncher, post audit function, keeping track of the money, and whether it was spent properly. But it's a legislative auditor.' The auditor general is a legislative auditor, it's like the GAO, the General Accounting Office, in the national government attached to the Congress.

While I don't envision myself as a numbers cruncher nor in any sense as a green eye shade accountant or anything like that, I thought there might be a possibility of doing something bigger with the job. I knew something about the origins of that office. It was created by legislation in 1957, and the author of the bill that created it was [Assemblyman] Caspar [W.] Weinberger. The system the legislature set up for recruiting the replacement for William Merrifield consisted of a three member, blue ribbon committee, of which Caspar Weinberger was the head. Caspar Weinberger was then [1979] vice president of Bechtel Engineering Company, before he was appointed as secretary of defense.

Caspar Weinberger had been a member of the assembly back in the late fifties. He may have still been here in '60. I met him when he was still in the legislature in 1960. He didn't stay much beyond that.

MARGOLIS

The office was created as a mechanism for legislative oversight. It was the reason you post audited things. After all, there is the controller's office that does pre audits, and they don't let the money out unless the contract is valid and services have been performed. The question is, why do you have a post audit? Well, the post audit was to see whether things worked the way they were supposed to. It's not an executive branch department, it's a legislative branch department. So there you have an instrumentality for doing legislative oversight.

So I thought, Well, maybe if you get hold of something like that and oversight is not being done member by member or committee by committee of the legislature, which is the real way you've got to do it, so instead you have a centralized bureau representing the legislature that does it. I think there are some dangers in that. It's like anything. If you assign it somewhere to be done for them, then everybody else loses interest in it and doesn't pay any attention to it. It has to infuse and inform everything the whole legislative process. All the committees, the subcommittees, every member has to be engaged in it. But nevertheless it seemed to me if I could get that job I would put somebody in charge of the green eye shade business and I would work on figuring out how to make the office the teacher and leader of oversight for all the rest of the legislature, use it as the crowbar to pry the rest of the legislature into oversight.

I approached it that way and I interviewed that way. And I was the only candidate who took this approach and who was even aware of the origins of the office. There was a large number of candidates. I don't now remember how many candidates, twenty something candidates for the position. One of those candidates was the deputy director under Merrifield, [Thomas] Tom Hayes. He was the acting director at the time the search was going on.

Well, the way the legislature organized the selection process was, they had the blue ribbon commission to screen out and

MARGOLIS interview some smaller number of the large number that applied. The number of original applicants may have been even greater than I said. It was advertised nationally. But then the Joint Audit Committee, chaired by then Assemblyman Richard Robinson, kept control of the actual selection. They would take the recommendation of the top three names recommended by the blue ribbon commission and then select one of those three as the auditor general.

I decided not to try to use whatever political influence I had such as my relationship with Unruh. I didn't talk to Unruh about this. He was aware from his own sources of information. He was then treasurer. He was aware of my interest in it, but I never talked to him about it. I didn't want it to be done on that basis because I had some ambitions as to what I wanted the office to accomplish and I didn't want to have any ropes around me.

Knowing the legislative history of the office and then having this vision of what it was for, what to do with it, rather impressed Caspar Weinberger. I don't even remember who the other two members of the commission were. My attention was focused entirely on him. I was the number one selection from those applicants and Tom Hayes was the number two selection. I don't remember who the number three one was. That's what was offered to the committee.

Well, the committee wasn't about to have any of me. A couple of interesting incidents when the thing came up in the committee, Robinson was scared to death. First of all, he was aware of my connection with Unruh and he was afraid that I represented a power force that would be too great for him to control. So he wasn't about to buy any of that. Unbeknownst to me, Unruh talked to him about it. I wasn't aware of this, but Unruh, afterwards, and not before, gave him hell for not selecting me. I never knew this, and Robinson was always convinced and ultimately told me that I was mad at him because he didn't select

MARGOLIS me, and that Unruh gave him hell for doing that. I didn't know any of that. To this day Robinson thinks I hate him and I can't persuade him that I don't, that number one, I wasn't that sure I wanted that job and number two, I didn't know anything about Unruh's intervention at that time. I subsequently learned about it.

Anyway, they selected Tom Hayes to be auditor general and that put an end to that. But I thought maybe that would be a way of teaching oversight. I think it's a good thing I didn't get the job, because I don't think they would have sat still for that for one minute.

HICKE Beating your head against a stone wall.

MARGOLIS I don't think they wanted to work that hard. I don't think they care that much about what the obligations of the office are. They're interested in the benefits and none of the costs. I mean, just like all the voters in California are. They want the benefits without paying for them.

[End Tape 15, Side A]

[Begin Tape 15, Side B]

MARGOLIS So I didn't get the job of auditor general. I don't think I would have been successful in doing what I had in mind to do, but it was my notion of a way to attack this problem. I'm not at all sanguine about the likelihood of it having worked if I had done it. It's one of the great unmet needs of our political system and I don't know how you get the job done.

HICKE Has there been any change in oversight procedures over the years, either for better or worse?

MARGOLIS I think it's still the great unmet need in legislatures. I think you get improvements as a consequence of modernization. Where there's growth of autonomy and independence and stature, you'll have some brief incursions into this territory that succeed but it slips back because the political dynamics of the system just keep getting in the way of it and preventing it from going anywhere. I don't

have any good answers as to how you overcome those problems

That's why I said, I think you need a better breed of people

[Laughter]

HICKE More lanterns to attract them?

MARGOLIS Yes

HICKE I d say we ve talked you out for today

MARGOLIS I guess so

[End Tape 15, Side B]

[Session 7, April 12, 1989]

[Begin Tape 16, Side A]

HICKE We were just talking about Cal Med and Medi Cal

MARGOLIS Yes I was going to shift to another subject During this past week I was talking to somebody who was around when the ombudsman legislation was up It was [Daniel] Dan Visnich, who was an intern at that time He was a Ford Foundation intern and a student at Berkeley He did a paper on the ombudsman legislation, which I just received I haven't read it yet I'm not sure if it was his M A thesis or just a paper for the course for which he got credit as an intern

He told me a couple of things at lunch the other day He has a very sharp recollection of that legislation, having done his paper for the course on it But he said that the legislation was blocked by the governor's office and the governor's office this was Pat Brown and Hale Champion regarded it as a criticism of their management of state government And I think he quoted Hale Champion as saying something outrageous about *his* being the ombudsman of California or something

HICKE We don't need another one?

MARGOLIS That California doesn't need another ombudsman I think it was even more outrageous than that I think he covers it in this paper I'll read the paper during this next week and see what it is he says about it But he says that they just stone cold blocked it They wanted no part of it

[Interruption]

HICKE OK, we were on the ombudsman

MARGOLIS Yes I'm just saying that the legislation was just stopped cold by the governor's office. The governor regarded it as a personal affront, or perhaps I should say that Hale Champion regarded it as a personal affront because he considered that he was the ombudsman of California. And they weren't about to see the creation of what they interpreted to be an office of political rivalry, to criticize the government.

HICKE Let me just clarify that. Did Pat Brown say he was the ombudsman or was that Hale Champion?

MARGOLIS No. It was Hale Champion. And I think the remark was even more outrageous than that. Visnich told me at lunch last week, but I'll have to recheck his paper and see whether he quotes it or not.

That was really all that I had to add to last week's discussion. So what are our topics for today?

HICKE Well, I have a few more things along the legislative line that I wanted to ask about. We talked about natural resources, but I don't think that we really talked about the tidelands oil controversy.

MARGOLIS Right. By the way, there is a fair amount about that in the book that was compiled for the '70 campaign that you gave me a copy of. I have a fairly good recollection of the tidelands issue. I did not have a great personal involvement. That was an issue in which I think Frank Burns may have been more involved than I. Perhaps Jack Crose. We're talking about probably '65, I would think.

HICKE I think that's right.

MARGOLIS Unruh had become friends with [] Sam Cameron, who was the managing editor of the Long Beach *Press Telegram*, and through him had gotten to know the Ritter family who owned newspapers, not only the Long Beach *Press Telegram* but the San Jose *Mercury* and other newspapers in California. Who initiated the contact I can't say. I wasn't party to any of that.

Another person who probably had some involvement in that is [Donald] Don Muchmore, who had been the director of the Los

Angeles Museum of Science and Industry I think his tenure was broken with a stint as vice president of California State University at Long Beach, it was then Long Beach State College He was vice president there for two or three years and then went on to be vice president of one of the big savings and loans, Cal Fed [California Federal] It was the savings and loan where George Doxson is the chairman And then he returned, I think, to the Museum of Science and Industry He retired from that position perhaps a year ago He, I think, may have been a connecting link between Unruh and the Long Beach people

For years the big battle raged at the federal level as to who owns the tidelands, and historically the United States government claimed ownership of everything outside of the three mile limit and going out to two hundred miles There are some international conventions that govern how far out The question raged as to whether the states had ownership rights or not, and the state of California joined other coastal states in suing the federal government In the supreme court they won the right to ownership, which carried with it the right to explore and market the oil recovered from these near offshore parcels of land

Once that suit was settled, then the question became what is the relation between the state of California and the communities in which the properties lie and what are their respective rights? And so it was to settle the dispute between the city of Long Beach and the state of California that Unruh authored legislation, which set up a formula for determining how much the city of Long Beach was entitled to In that formula, my recollection is that it was something like 15 percent of the revenue belongs to the city The argument was made that the city needs this money to do the work of preventing or repairing subsidence by pumping ocean water in to replace the withdrawn oil

So this money was to pay for that kind of work, to cover whatever losses the city suffers as a result of taking the oil out,

MARGOLIS cleaning up oil spills, covering up ugliness from oil drilling rigs offshore and all those things. There was a very large repository of oil, and so that meant quite a bit of money for the city of Long Beach. It seems to me in retrospect that Long Beach did rather well in using the money to develop, because it went from being an old retirement community into a major city, and it was all done with careful planning and investment of the monies from these tidelands oil revenues.

The rest of the money, of course, went to the state and was deposited in a fund which is administered by the State Lands Commission, and there is some formula for splitting it up among education and other state purposes.

At the time it was rather unusual for Unruh to be involved in that kind of legislation. It may have been one of his first very big business related ventures. I think he certainly benefited from the relationship with the *Long Beach Press Telegram*, which was a historically Republican newspaper, and from his knowing the Ritters, who were flexible politically. And whether he personally benefited in any respect, I don't know. He did participate in a real estate venture in Long Beach, which had to do with buying an apartment building which then became a condominium and turned a very large profit. But I don't know the specific details of how he got into that deal or what money he used to invest in it or any of those things. I had very little knowledge of his personal, financial involvements in things. He was rather close to the vest about matters like that.

HICKE You don't really know why he got into the tidelands oil controversy? You're suggesting that perhaps there were [Inaudible]?

MARGOLIS Well, I don't know. No, I'm not suggesting that it was for personal financial gain. I don't have any way of knowing that that was so.

HICKE But perhaps it was important legislation.

- MARGOLIS It was somewhat of a departure, but my guess would be that it was to cultivate political friends and to extend the range of his acquaintanceship with people who were in one way or another indebted to him. I don't think it was a big ideological question as far as he was concerned. The original decision as to whether the tidelands were owned by the United States or the state of California was a big emotional issue. If it's decided that it's owned by California rather than the United States, then the question of how it's split between California and its constituent cities or jurisdictions seemed not that emotional.
- HICKE But it was a great controversy at the time.
- MARGOLIS It was a great controversy. I'm not sure I know why.
- HICKE Well, probably Long Beach depended on that money?
- MARGOLIS Well, they didn't have very many other sources, I suppose. But I don't know. I think that his interest stemmed more from friendship, extending the range of his political contacts, conceivably the opportunity to make personal gain, but I don't know that.
- HICKE Senator Burns was also involved in this?
- MARGOLIS I guess so. As they say about the legislature, it takes two to tango if you're going to pass legislation, and I think that he may have been instrumental in bringing the senator into it.
- There was a staff guy who was very heavily involved in all of this by the name of [Charles] Chuck Baldwin. He's still around. He may be retired. I think he lives here in Sacramento. He was very aggressive in the work on this legislation. He was a staff to a joint committee that had to do with mineral resources recovery. He was extremely energetic and somewhat of a different breed than most of the staff people that we had brought into the picture. But he handled that legislation and undoubtedly knows a great deal about it.
- HICKE How was the support and opposition aligned?
- MARGOLIS I don't have a clear recollection of that. I think just as with the national question, liberals tended to be more for federal control vs

state control, and I think it was the liberals who were more for state control and less for local control. So the conservatives were more for splitting it with the local jurisdiction, at least in this case. That's the sense in which I say that it was somewhat uncharacteristic legislation for Unruh to be involved in and to be on that side of.

But I think it's very hard to define ideology in connection with that question. It's pretty commercial. At least I don't see an ideological line regarding it.

One of the products of that relationship was that the Long Beach *Press Telegram*, which has a lot of political power in Long Beach, was influential in getting George Deukmejian to run for the state assembly in the seat that [Assemblyman] Vincent Thomas retired from. Deukmejian ran and was elected in that district, and through the influence that Jesse had accumulated as a result of his championing the Long Beach side of the tidelands oil issue, he was able to keep a fairly good tether on George Deukmejian as a member of the assembly through Sam Cameron and the Ritters in advising George to be cooperative with Jesse.

HICKE

That's an important point. I'm glad you brought that up, because that's very interesting. It had a lot of impact probably later.

MARGOLIS

Actually George Deukmejian was a rather quiet, tame, and solo operating member of the assembly. He didn't seem to have big aspirations. He was not a give and take fellow; he was pretty much of a loner. And his one focus while he was in the assembly was what we called gangbusters legislation. It was increased penalties for crimes, the tough side of law enforcement, whether effective or not. It costs more money and puts more people in jail, but whether it reduces crime or controls it or prevents it is a big question mark. But he spent most of his time on that kind of legislation. And he was not really a negotiator.

A lot of people ask, certainly in more recent times, how is it that somebody who has as much legislative background and

experience as George Deukmejian finds it so difficult to negotiate? He's so bull headed and rock ribbed and doesn't give on anything, there's no give and take in his approach to policy making. And the answer purely and simply is that he never was a part of the legislative process really. He was just a loner in it. He didn't pick up any of the negotiational style of decision making that characterizes legislative behavior normally and in fact makes legislative systems work at all. He sojourned in the legislature but he didn't become a part of it. Some people regard that as a plus [Laughter]

His condition was reminiscent of something Unruh once said about one of the other legislators. There's a fellow by the name of [] Bud Collier, still living. In fact, I see him every once in a while. He lives in El Macero, the estates where the country club is over in Davis. He was originally from Alabama, and he never lost his Alabama accent. He was often accused of taking secret night classes to keep in practice with his Alabama accent.

One day early in Jesse's speakership, Bud got up and was arguing his side of some issue, and he said, "I'll have you know I have eighteen years of experience in this legislative body." And Jesse interrupted and said, "That's not true, Bud. You have two years of experience repeated nine times." [Laughter] That was sort of the sense in which George Deukmejian was in the legislature. He may have been there for sixteen years. I think that's what his combined service in the assembly and the senate was, but he didn't have sixteen years of legislative experience. He spent sixteen years in the legislature, is the right way to say it. Why did he keep getting sent back?

HICKE

MARGOLIS

Well, that's not necessarily at cross purposes with what the voters in his district want. Jesse used to tell a story that explained why minimalism works in the legislature. He tells the story about this minister who had been engaged by a church to come lead their flock, and he was aware that they had never kept a minister more

than one year. Every year when the contract expired they would get themselves a new one. And so he took the position with some trepidation, but he took it.

He spent his year, and at the end of the year, when he was expecting to be told that his services were no longer desired, the deacon approached him and said that they would like to rehire him for another year. So he said that he was very pleased and flattered that they wanted him, but he was curious to know why, because of the history of the church. He said, 'Is it because of the terrific youth program that I organized here?' And the church fathers said, 'No, as a matter of fact, there has been a twentyfold increase in juvenile delinquency during the year that you've been here.' He said, 'Well, is it the Wednesday Bible classes and socials that I've organized?' He said, 'No, this is a pretty hard drinking town and they don't really care for your Wednesday night ice cream socials.' And it went on like this for a number of questions, and so he said, 'Well, why did you rehire me?' And the deacon said, 'Son, this town doesn't really want a minister at all, and you're the closest thing we could find to it.' [Laughter]

Well, now that may be the answer to why George Deukmejian was reelected. Being a minimalist he may have been exactly what the Long Beach constituency wanted. The presumption has to be that is what they wanted. The truth, I think, is somewhere else. The electorate is not attentive and doesn't really concern itself greatly with what their representatives do.

There's an interesting thing: the more attentive elements of the electorate receive their information largely from the legislator himself, and it's generally favorable. [Laughter] And so they represent the core, the nugget. Then if he doesn't do anything that outrages others, then the chances are that that's enough in an inactive, inattentive electorate that's having the small core of people who get their information from you, and you do favors for them, and provide service. I'm not talking about it in a negative

MARGOLIS

sense, I mean just in the normal course, servicing the needs and legal, proper requests of your constituents is what a legislator does. Then you build up a core of supporters and they dominate an inattentive electorate.

The deeper reason is that selecting leadership is a product of a community decision, which presumes the organization of a community with the institutions of community. Now in the past, those institutions were the schools, the churches, the business associations, the media. You had a dominant newspaper in the community, and it, together with the business leadership and the religious and other forms of community structure, taught the rest of the citizenry the lessons of how we behave in this community, what we do, what we like, what we tolerate, what we oppose, and so on. And then people who reflected those values tended to be supported by those institutions and to get elected by that thus conditioned electorate.

In California, like in most of the country, there has been a general deterioration of those instruments of community organization, leadership, and responsibility. They have broken down, in a highly mobile society, the business of residence and participation in the community and adherence as followers of the established institutions that together create the responsibility to which citizens respond and that responds to the needs of citizens disappears. People move and they don't subscribe to the newspaper, or they still subscribe to the newspaper of the community they left, and they don't know their neighbors, and they don't feel any sense of having grown up here and benefited from whatever it was that was built before. The numbers who come in without that background overwhelm the regulars. They don't pay any attention anymore. They're not affected by community dictates.

There are benefits to that. There's the kind of freedom from oligarchic domination or control, which tends to be the fault of

MARGOLIS tightly organized communities. But on the other hand, there's a loss of a sense of responsibility, of a sense of doing the things that are necessary to do, a sense of being willing to bite the bullet when you have to, or to pay the taxes that you have to, to do things that by common agreement and consent are necessary to the survival of the community. Those things are all lost.

People can get away with cultivating an attitude of wanting their cake and eating it too. They want the roads and the services, but they don't want to pay the taxes to pay for them. Then a government that doesn't have the sort of legitimacy that comes from those institutionally defined responsibilities tends to lack authority. People then take the attitude that it doesn't matter. What's really happening is happening in business or it's really happening in the streets or it's really happening somewhere else, and it doesn't matter who's elected or what those clowns are doing up there. They're playing in their sandbox, but the real business of the world is going on somewhere else. And that could be as narrow as making money and having the accoutrements of luxury.

[End Tape 16, Side A]

[Begin Tape 16, Side B]

MARGOLIS That attitude can go all the way from believing in tilling your own garden or getting what you need or want in material advantages to a belief that it doesn't matter because of the bomb which so overpowers whatever those clowns are going to do on a day to day basis that it doesn't matter who's there or what they do. So it justifies an inattentiveness on the part of the electorate, and they say, "Well, so what? Who cares?" Most of the time they don't know who the representative is, let alone what he does, whether they agree or don't agree. They don't even have a position to agree or not agree with to begin with. They've never asked themselves the question.

So that's why somebody like that can be reelected year after year. It's conceivable that if people 1) cared, 2) were informed, 3) had a point of view, and 4) exercised it, they wouldn't vote that way, or maybe they would. Maybe he is what they want. Or maybe he would behave differently if there was that kind of an electorate. Those are all things that don't exist. It was always my view that the legislature's role was to go way beyond the business of brokering the demands of highly organized interest groups, but instead be the educators and leaders in accomplishing that purpose that I'm describing, of educating their constituents, of making them know what the legislature's doing and what the choices are that confront the legislators so that they, in effect, have to make those choices too. As a result, they either support or oppose whoever is in that position on the basis of which way they make those choices. If those choices are made in accordance with their wishes, with what they would do if they were in the position, they support him. But it's hard to do.

When I was the executive director of the Citizens Conference on State Legislatures, we put some of our effort into identifying ways in which legislators could do that and do it effectively and see if those ways could be transferred to other locations and for other legislators. I recall in upstate New York, where there was a senator, a woman, who was later elected the lieutenant governor of New York. Mary Anne. Let's see, she was married to a fellow named Margolis, coincidentally, whom I had met. [Edward] Eddie Margolis was the chief of staff of a previous speaker in New York by the name of [Anthony] Tony Travia. Travia was speaker at the time that Unruh was first elected speaker. I didn't know of the existence of Eddie Margolis until a later time. I thought it was interesting that the speaker in New York had a chief of staff named Eddie Margolis, and the one in California had one named Larry Margolis. We're not related as far as we know. But what was Mary Anne's last name?

HICKE

It wasn't Margolis?

MARGOLIS

No, she went by her maiden last name. It was Krupsak. She was a very liberal senator from a very conservative district, and her commitments were prochoice, governmental intervention, high cost, welfare oriented government, and so on. Her district was one that doesn't like to pay taxes. She defined her problem as having to educate this constituency or she wasn't going to be there. I mean, she just wouldn't be able to win reelection.

She really worked at it. She got herself a microbus and fitted it out with tables and sound equipment and stocked it with printed material, signs, and held community rallies in which she invited people to speak on both sides of these very controversial issues. She would spend the day drumming up an audience in the neighborhood, and she would get them into some public square or community hall. They'd have a fierce debate over it. Then she would get up and very calmly say, 'This is the kind of debate that we're going to have on the floor of the senate in New York in about three weeks, and I'm going to have to make a choice. I would like to know what your feeling is on this issue.'

It didn't mean that she would simply accept their feeling, but the effort to have to decide their feeling and then express it made them sympathetic to the view that she was really trying to do a job, she was trying to do it well, and she was not only doing her job down there but was helping them connect with their government. And they reelected her, even though most of them didn't agree with her. But they reelected her because they felt that she was honest, that she was hard working, that she was there to represent them and to work for them, and she cared about what they thought even if she came to a different conclusion. Really what they were asking for was the evidence of caring, of concern, and of knowledge, and of wrestling with the problem, not making it a slam dunk, not being controlled by somebody else or by ideology or

some such thing as that, extraneous to their concerns. That was what made them willing to elect her.

She was despised by the more conservative or more sold out elements of the legislature and even Governor Carey in her own party despised her. He considered her a pain in the neck. But still, she did her job and she did it at the level and in the area in which she had to do her job. She did it right.

I tried to get that concept across to legislators. We would bring them together in forums and seminars and try to get across this notion that you really can be for what you believe in but you have to work at it. And you have to bring people along with you. You can't just let them drift off one way and you go off another way, and then expect that you are going to be able to survive.

And the answer isn't simply to trim your sails and vote the way you think they want you to, the answer is to do some work on it and to educate people. We tried to get across the notion that part of what the role or the job of being a legislator is, is to be an educator of that kind, an educator of politics, of policy choices, of distributional decisions. But to be an educator, not just a broker, and not just a decider. Part of it is making up your own mind, hearing the facts, deliberating. But the other part of it is bringing other people along with you, so there's support and a constituency, and the government operates with the kind of authority born of response, rather than being dragged angrily and objecting all the way. People will rebel. They won't tolerate it over the long run.

Well, it's a very hard lesson to try to get across. There were undoubtedly many legislators who participated in these seminars who did some of the things we demonstrated. I remember one clearly in Michigan who took the lesson seriously and conducted a very intensive educational campaign in his district. He was successful in the state senate in Michigan and then ran for Congress and was elected. He is now a ranking member of the

MARGOLIS Foreign Affairs Committee of the House of Representatives His name is [Representative] Howard Volpe He did a lot of educating of his constituents, conducted a lot of town hall type meetings, and he was pretty successful at it He claims that he learned it from us He used to claim that anyway But this is a far cry from the way that most legislators view their function and their role

I made some reference last week to the business of legislative ethics, and said that I considered the question of whether money is being stolen or whether somebody's vote is owned or traded crassly as relatively minor matters regarding ethics I characterized people concerning themselves with that alone as being in the armpit sniffing school of legislative ethics That is sometimes what characterizes the focus of Common Cause and the Fair Political Practices Commission [This is not stated well Certainly theft and bribery are serious matters but are questions of legality and law enforcement rather than the internalization of those principles regarded as social norms and their voluntary guidance of conduct, which I consider to be the realm of ethics Thus, those who make investigation of wrongdoing their main concern are engaged in what I am calling 'armpit sniffing']

The much deeper question of ethics, I think, is the degree to which the role is fulfilled, that the obligations and responsibilities of the job are carried out And this is the thing that I don't think our current speaker [Willie Brown] has any conception of He feels that so long as the traffic is run smoothly and the people on his team get reelected by hook or crook, it doesn't matter how much money it takes to buy skillful engineering talent to get people to *think* that whom they're voting for is somebody other than whom they *are* voting for It's all fair game, and that's what the job is As long as you do that then you're entitled to stay in power, theoretically forever

* Mr Margolis added the preceding bracketed material during his review of the draft transcript

MARGOLIS

It doesn't matter that nothing of substance is accomplished, or that there's not any program that results from it, or whether people feel better about their government on the whole, or whether they feel as though things are being done in an orderly, deliberate, thoughtful, responsive fashion—that people have the feelings that give rise to the support of government rather than the opposition to it. None of that. It doesn't seem as though he considers it part of the job. And so he believes he is being ethical. He's not stealing any money. He's not undermining the system. Traffic is running smoothly, his people are being reelected, and that sanctions all these choices and decisions. But the whole support of government deteriorates. Fewer and fewer people vote in elections. Did you see the percentage of turnout in the Los Angeles mayoral election? Twenty percent of the registered voters voted yesterday.

HICKE

That's sad. Well, maybe what you're talking about goes some way to explain the disaffected voter that wants improved transportation but won't vote the taxes for it and that kind of thing.

MARGOLIS

Well, I think it does. I hope and pray that that's the answer. I don't know whether it is or not. We'd have to have a test of it. I'm not sure. I don't think you could conclude from that that if you started doing all the things that I'm talking about the voters would automatically support it. I think it takes maybe a whole generation of people brought up in that environment before you would get that kind of result.

But the alternative is chaos, I mean revolution, loss of stature in the world, decline as a power. That's what's happening to America. It is declining as a world power. It's not the leading world power any longer and it certainly isn't going to be in the future. We're not going to be able to pull ourselves out of the holes that we're in economically, financially, technically, educationally. It's going to be down, down, down. It's a slow deterioration. But it is happening, and in the long run it will be the fault of people who occupy those positions but don't fill them that

brought it about. You can't blame the electorate. The electorate are followers, they're not leaders.

HICKE

There has always been this question in my mind as to whether a legislator votes his or her conscience or whether the legislator votes according to the constituency. But I think what you're pointing out is that there is a third alternative, or there's something in between, and that is to work to educate the constituency if you don't believe they're heading in the right direction.

MARGOLIS

Yes. This has been a long standing debate, more in the academic reaches of political science than in legislatures. The delegate vs the representative is a big argument in the theory of representation. The way the legislature uses that is when a member wants to excuse a vote that is not in keeping with his past expressions of belief, then he claims that he's being a delegate, that that's the way his district wants him to vote. He doesn't have any more of an idea of how his district wants him to vote than the man in the moon does, but he uses that as an excuse.

The answer to that conundrum is that you have to do both things. It's push and pull. That's what leadership always is. Leadership is leading but not getting so far ahead that there are no followers. You have to bring your followers along with you. And it's a give and take proposition. If you get too far away from your followers, then you're not going to be a leader anymore. But if you either reflect what your followers want or bring them along farther in the direction that you want when there's a conflict between them, then you can survive. It's a give and take proposition. Leadership/followership are ying and yang. They go together. There is no one without the other.

Edmund Burke was eloquent in his statement that when his constituents elect him, they're electing the whole him. They want his mind and his reaction to the debate that they're not present for. They're voting for his employment of all those faculties, not just the dogged following of instructions previously given and unaware

what the terms of the debate are. On the other hand, if he gets way out there and they don't understand why he's voting the way he is, they've got to get somebody else to represent them.

Another related issue and one which I have spent a lot of time thinking about is the appropriate role of staff in a legislative body. When you have a professional staff, a highly competent or highly trained staff, then you get people with a point of view, people with policy preferences, people who would, if allowed to do so, take the place of the elected representative and make the choices for the elected representative. And if they're good, they're not just going to be time servers who do only what they're told, like [Colonel] Oliver North. Well, that's not a fair characterization of Oliver North, but his defense is that he just did what he was told. But he wasn't a time server in any sense.

I had to figure that out in terms of my role, because I had a very prominent role in the legislature. How I would occupy it, how I viewed the responsibilities, was certainly important to me. As I've had a lot to do with staffing legislatures, I've had this question come up many times, and I think it's a critical one and a difficult one. It's just as difficult to understand as is fulfilling the role of legislator that I was just discussing.

People ask me how I related to Unruh. You certainly have ideas and you're not just an amanuensis to carry out whatever the speaker wants. How did you avoid clashing opinions? How did you protect your own integrity at the same time as doing the bidding of a very powerful speaker? On some occasions I've said that the way I related to the speaker was to stand one step lower and a half a step behind. The point of that is that in any kind of public association with him, I felt it was my obligation to defer to him. He is entitled to the limelight; he's entitled to take the lead. I would supply him with information or add to what he was saying, but not try to hog the limelight in his presence. I mean, I would not

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express my personal view of things. I would express what I thought was his view.

Now his view may very well have been one that he and I hammered out in the privacy of the office. I may even have changed his mind about what he thought should be done. I may have sufficiently influenced his view of what should be done as to change his mind. But I would not in a public forum debate with him or argue with him or disagree. But as I say, I would stand a step below and a half a step behind.

I felt that in terms of my relationship with him privately it was my obligation to try to think through what I thought his problems were, the problems of his position, where he was, where he found himself, and to figure out what I would do if I were in that position. And to try in that manner to take responsibility for those choices. I have on public questions tried to do that all my life. When I read the newspaper and I see the president is confronted with some matter, I try to figure out what I would do in that position. What do I think the president should do? And when I see things happening around me, it's the same thing. What do I think is the right thing to do? What would I do if I were in that position?

I think it was my obligation to bring that to the job. That meant that if I felt rather strongly about something, I would have to make it clear that I disagreed. If I thought that I disagreed then I would have to say so. I would have to try to argue for my position and if that were to prevail, good. If it didn't, then I had a choice to make as to how important I thought the matter was. If it was of critical importance and if it wasn't going to go, then I had to make a decision if I was going to remain in that position or not. But [I would] not try to make the decision in the place of the elected official.

I have often talked to people on legislative staffs, and they're troubled by this question. The term "staff" has a connotation of servant, subservient, a doer, a carrier out, not a principal, and I

MARGOLIS thought that was an unfortunate way of looking at things. I said that I thought the better way to look at it was to consider that a priest or a minister are staff to a congregation. They're hired by the board of directors of the congregation, at least a congregational minister is. A priest is not exactly. But in the case of the priest, he's a shepherd of the flock, which in a way is a servant to the sheep. His job is to keep them alive and well nourished and out of harm's way. Serving their life needs, not his own.

Take the coach of a football team. The coach of a football team is very much the employee of the school or of the team and doesn't go out and make the plays and doesn't get the publicity, doesn't get the press, that the star players get, and yet he's their leader. How is it that he's the leader and an employee at the same time?

It was necessary for staff to view their role in that light, that they have to take responsibility both for their own views and for understanding the plight of the person to whom they're assigned and to figure out what he has to do. If they were in his position, what would they do? How would they square the circle? What kinds of decisions would they make? But at the same time they can't get out in front of him. They can't substitute their decision for his. He's the one who was elected. He's the one who has the legal authority to make the decision. Whether he has the moral authority or the intellectual authority to do so is another matter. That's a question that has to be decided somewhere else.

But it's his decision. And you have a right to try to influence it. You have an obligation to try to know what you would do in his role, and then to advise him of those facts, and to do your best to carry out whatever conclusion he reaches and in public to be a party to whatever it is that he's decided. If it reaches the stage that it represents a violation of your morals or ethics, if you can't succeed in persuading him of your view and you feel so strongly about the matter, then you have an obligation to resign and not to

MARGOLIS continue to be a party to something that you don't agree with. But you ought not hurry to that conclusion, you have to think carefully about when that's justified.

You must also realize that in more cases, at least in my experience, it was harder to know what I really thought or what I was willing to go to the mat over than it was to suffer the indignity of being sure and being controverted in a final decision. I had more trouble figuring out what I thought the right thing to do was than I did thinking I knew what the right thing was and he didn't. It was more difficult for me. I found myself more times wishing I had more information, and not sure that he didn't have a better sense of what the real issue was than I did. I was not so often in the position where I thought, "I know that's the wrong answer and I think this is a crucial issue and I'm not going to take it anymore and I'm going to get out of here." I very rarely was in that position.

[End Tape 16, Side B]

[Begin Tape 17, Side A]

MARGOLIS The times that I have been in that position it was more as a result of what I would classify as character deficiencies on his part, habits which I'll explain in just a second, than of differences in principles or in policy choices. I'll give you an example. The problems would arise more as a result of Unruh's drinking and then doing things that I thought were offensive on a personal level, either to me or to others but more often to others than to me, than matters that had to do with legislation or policy or the operations of state government.

An example, and this is probably the closest I ever came to resigning during the time that he was speaker, was Did I tell the story about the annual visit to Sacramento of Unruh's aunt and uncle? I have a feeling I may have.

HICKE Unruh's aunt and uncle?

MARGOLIS Yes.

HICKE

No, I don't think so

MARGOLIS

He had an aged aunt and uncle who would come up, and it would be a chore for the staff as to what to do with them. They were old folks and they didn't have much to do with things governmental or political. I suppose Jesse felt a family obligation to be nice to them, but he didn't have the patience to spend the time with them. So what would happen is, the staff would get the job of entertaining aunt and uncle, and then he would take them to dinner and polish off the evening, and they would go to bed and return to Los Angeles the next day. That would be the extent of it.

This was during the height of things in that legislative session, 62, 63, somewhere in there. At the end of the day, from about five o'clock on, the committee hearings would be ending, so Unruh would return to the office and he would have a gin on the rocks. That was the rammer of choice. There was a bar in a closet in his office with a little refrigerator, and Betty Coffey, who was his long time secretary, would pour a drink for him. Then gradually the people whom *Newsweek* magazine characterized as the Praetorian Guard would start drifting in, starting with Bob Crown who didn't drink. Jerry Waldie, who was known to have a drink once in a while, Tom Bane, who didn't drink because he was then a Mormon—now he's Jewish but he was a Mormon then, Jim Mills, not as often as he says he did in his book but he was there some of the time. [Laughter] He didn't drink much but he drank a little.

These would drift in, others would drift by and there would just be general schmoosing discussion, reviewing, but not in as orderly a fashion or as purposeful a fashion as this may sound, but they would go over the events of the day. It was the informal manner of reviewing things and checking signals and telling gossip and who did what to whom and whatever interesting and funny events took place during the day and so on. There would be a lot of laughing, sort of a relaxed discussion—what President Warren G. Harding called "bloviating." People would drift in and out of it.

depending on what their other commitments were and it would go on typically from five to sixty thirty, and then people would start to think about dinner and wander off to have dinner. Unruh would usually take a gang with him somewhere.

Now on this particular day the aunt and uncle were here, and so various people on the staff. At this time, we had maybe a staff of four or five people in the speaker's office. So secretaries and others were assigned to shepherd them, show them the chambers, show them whatever interesting sights, take them on a tour of the Capitol. Whatever you could do to fill up the time. And then at about six o'clock there was a reservation at Frank Fat's, and that's where Jesse would have dinner with them.

So at about six o'clock those members of the staff who were assigned to this duty would go over to Fat's. In the meantime, I had an office adjacent with a doorway connecting to the speaker's office, and so I would be in and out depending on whether somebody who was not part of this group wanted to see the speaker. Then I would see them and answer their question, or tell them I'd get an answer for them. So I would dart back and forth. And so I kept track of how this was going. And I was in touch through a secretary with the people waiting at Frank Fat's.

It has now gotten to be seven o'clock and they're calling over wondering when he is coming. And this particular session went on longer than usual. I think it was about seven thirty, and they were just dragged out down there. They had put two tables together trying to judge how many people Jesse might bring with him to come to Fat's. They were sitting there having drinks and they were getting bleary-eyed, and some young staffers wanted to get home to their families. On my end of it I'm trying to say to Jesse, 'Don't forget aunt and uncle are waiting to have dinner over there.' Jesse had a little more to drink than usual. This thing went on longer than usual for some reason. I guess he was stalling. He wasn't that interested in talking to aunt and uncle.

MARGOLIS

I think I had made one or two trips to Fat s just to make sure everything was kept together and then I was back at the office So finally, he said 'Well, let s go have some dinner He was fairly in his cups by then As I recall it, four or five of the guys, probably Waldie and Crown and Bane I don t remember clearly who it was who walked over, but we all walked over to Fat s, and I tried to get a little bit ahead of him so that I could warn the staff people who were occupying chairs that he was on his way there Well, he kept up with me

In Fat s you go down this long aisle where the bar is and then there s an archway and you go into the middle room where the tables are, and it was in this middle room that the two tables were set up Beyond that is the third room where the booths are But we got to the doorway and he was right behind me and so I signaled to, I think, [Michael] Mike Manley, who was leading the group that was keeping aunt and uncle company I turned to Jesse and I said, 'The staff have been holding your places until you get here " And he said in a voice loud enough to be heard at the table, 'Get the pricks out of here '

I decided to bite my tongue There were a number of occasions when I was confronted with something like this, and I adopted the habit of not trying to make a character defining, long term decision in the midst of anger I was extremely angry I whispered to Manley to ask the others to make room and to let the legislators sit down there Maybe they should have been more alacritous in getting up and leaving, but there was a momentary delay I mean, it was so late now that they weren t even sure that he was ever coming They may even have ordered dinner

I seethed about it that whole night and debated and deliberated as to whether I should resign or not and by morning I had cooled off I don t recall, but I suppose that somewhere either late that night or the following morning he apologized or said something to me showing that he recognized how I felt He was

- MARGOLIS very quick to sense how somebody else was feeling, despite his ability to say things like that
- HICKE But you didn't really have to take responsibility for that, did you?
- MARGOLIS Well, I thought so. In the end I didn't resign. I also don't think that being drunk is an excuse for being ill-mannered, ill-behaved, or irresponsible. I think that people are aware of what they're doing. I mean, they may try to shed themselves of responsibility, but I think they know what they are doing, and I think it often reflects what they really think. They may just be more willing to do it or say it. I don't think it is an excuse to say, "I was drunk, I didn't know what I was saying," or something like that. So I considered it as an expression of how he really felt about them, and I resented it and didn't think it was justified. And yes, by association with him, I have to take responsibility for that. But I didn't resign—that's the point—but I thought about it harder and came closer to doing so than at any other time.
- HICKE It really sounds like it reflects his feelings of the moment rather than his feelings about those people.
- MARGOLIS Well, that's the argument I used to persuade myself, but I still didn't think it was the right thing to do. But I'm citing it only as an example that it was things like that that caused me the agony of those choices much more than the problems of politics, legislation, government or policy.
- I recall a time when there was a big fight going on over the perennial legislative battle between the ophthalmologists and the optometrists over the right to dispense eyeglasses in department stores and places other than the office of an M.D. ophthalmologist or optometrist. I don't remember, but I think Unruh was more on the side of the lower price, open system than he was of the closed as far as his personal point of view concerning the legislation. But that wasn't really the issue. The point was that the optometrists had the system under control and this was a piece of legislation

that would have opened it up. This was perennial legislation in those days, and the optometrists usually exerted superior control.

The bill was coming up in a hearing of the committee called the G O , Government Organization Committee. A lot of miscellaneous stuff like this was sent there. The chair of that committee was [Phillip L] Phil Soto, a one term assemblyman from Monterey Park, a member of the Unruh team. In fact, I think Jesse was helpful in getting him elected in the first place. But not a terribly bright fellow. Good hearted, well meaning, loyally on our side of things, but not very bright.

The opponents of the legislation said to me, "You know, it doesn't really matter what we think, the thing is wired. We're told that Soto has wired it to pass that legislation and that he's been paid off by the oculists and the legislation is greased." Well, when I ever heard anything like that, I regarded that as a personal affront. We did not run that kind of a system in the legislature, where anything was greased, where anybody could predict the outcome of a vote of a tightly contested issue. And so I said, "I'll check into it. I don't believe that, but I'll check into it."

I went in and told Jesse. It was early afternoon and the hearing was coming up say at three o'clock and I told him that these people were saying that Soto had wired the committee and that the legislation was going to sail out. Now, mind you, if Unruh was on any side, he was on the side of having that legislation come out. That would be his side. But he got as angry as I was or at least pretended to, and he called Soto on the phone. I heard his end of the conversation. I was standing there when he talked to him. He said, "Phil, I'm hearing some things about your committee this afternoon that I don't like." And he said, "Do you have any kind of a fix in on this legislation?" I couldn't hear what Soto said on his side, but what Unruh said is, "Let me tell you something, friend. If that bill doesn't get an honest hearing and an honest vote and I know the difference then I'm going to take you off that."

MARGOLIS

committee " The bill didn't go through It didn't have enough votes to get out

Now whether he had done anything like these people had said or not, I don't know But I saw the way he reacted and I heard what he said to the chairman of that committee, that he would remove him if there was any intimation of a fix on that bill, even though that was his side on that legislation

I tell you that because had he said, Well, look, he's doing what I want him to do and I've got reasons for wanting this legislation to pass," then I might have resigned over a matter like that But I never confronted a matter like that on legislation Now if there was any hanky panky going on, it was going on in stuff I wasn't aware of I was not born yesterday nor am I unsophisticated, although I'm also not one of these people who deals in a lot of inside gossip and keeps track of what everybody's doing to whom and spends more time on that than on trying to figure out what I, myself, believe But I saw very little evidence of hanky panky, nor was I confronted frequently with matters of conscience that would have required me to make a decision, do I stay or leave?

One part of it was that Unruh's instincts were so good, and he was a really good student of the character of people, and he frequently could pick up on something that I wouldn't see and he would be suspicious of somebody He would have a reason for doing so and then it would turn out that they were engaged in something nefarious He was very, very sensitive, in the sense of picking up signals from people very, very quickly, better than I could

Anyway, what I'm saying about staffing is that the proper way to do it is to be You're dealing with matters of professionalism You're dealing with questions of people in positions of authority and what the obligations of leadership are

MARGOLIS

I think, even though this is sort of an oxymoron, a staffer is a leader, but he's not a leader in his own right and in his own name. He has to be a leader in his own mind and has to know what he thinks the situation is and what it demands, and then through somebody else's efforts make it happen. That's very complicated. That's not easy to do. Defining where the boundaries are, those aren't clear cut definitions. They change. The more experience and the more skill and the more history of reliability and dependability a staff person builds up with his principal, the more that line shifts in the direction of taking responsibility, of leading. The less so, of course the more the line shifts the other way. So it isn't a clear cut matter.

But if the person you're working for trusts you, has a history of experience that you don't make bad decisions on his behalf, is persuasive, is above board, that is to say, making a decision on the merits of the issue not having his choices controlled elsewhere, then you can repose confidence in him and believe what he says and take his advice more seriously than you might if you didn't have that experience with him. And so as I say, that line shifts on the basis of trust, confidence, and experience.

I think just as the legislator has an obligation to fulfill his role in terms of educating his constituency and bringing the whole society along, the staffer has the responsibility of figuring out what the legislator's problems are and what the answers to those problems are in a responsible manner, that is to say, in a manner in which if he were in that position, he would make that decision and he would face the consequences of that decision of reelection or of living with his conscience or whatever else he has to do, just as that legislator has to do that. If he does it and he does it well, then he ends up being a leader of sorts. And leader more in the spirit of a coach, a priest, a minister, a staffer leader, who is a guide in a very high order of sense, not a flunky.

HICKE As the legislature built up its staff, was there any attempt to spread this sort of conceptual definition of staff's responsibility?

MARGOLIS Well, I think the answer is mainly no. Because any of us, Unruh, I, or any people in positions of responsibility tried to do it more by example than by instruction. We tried to behave that way, and in the informal interstices of things we might say things like that, that what we expect of you is thus, or something like that. But we didn't have formal classes or sit people down and lecture them.

For one thing, we didn't have that good a grip on our own views of the matter. We were discovering them. And some of it came from reflection some years later as to what this was all about and why it makes any difference. Once I began to see how other legislatures function and compared it and related it to what I had been through in the California legislature, I began to see what some of those connections are. It wasn't fully formed. There wasn't any book I could read that told me about all of this. But of course, Ollie North said that too about running a Contra operation [Laughter]

HICKE Breaking new ground.

MARGOLIS Now, when my own work went to a larger arena, that is to say, the national one of working with legislatures, then of course. I mean, this was the burden of many seminars and discussions. We did a lot of things with staff, not just with legislators, through the Citizens Conference on State Legislatures.

One of the major thrusts of the Citizens Conference was to show some more primitive legislatures the benefits of professional staffing at the committee level. One of the ways we did it, we would find a source of money that was interested in improved staffing in some field of legislation. Health was a good example. We were able to get a large grant from the Robert Wood Johnson Foundation that permitted us to staff the health committees of a number of legislatures as a demonstration for that legislature of the benefits that can be derived from professional staffing and how

to avoid the pitfalls. Legislators are more often concerned about how their secrets get revealed than they are about doing a good job.

The Johnson Foundation, I must say to its credit, bought the argument, was willing to stay with it and accept the fact that they would not be able to dictate policy outcomes. They could not expect that certain results would issue from those legislatures that were staffed, but they could look for an improvement in the quality of legislation across the board in that field. We were not going to go there and say, "Look, you have to pass a bill that provides for this, because the Robert Wood Johnson Foundation believes that that's how you improve health." "You pass or defeat whatever bills you want to, but do it on the basis of the kind of information that will be generated by professional staff and put it on your agenda for consideration." That's all the farther we'd go.

And so we had this project running in seven legislatures. We had them in different parts of the country, different degrees of primitive or advanced, to examine where such outside help can be the most critical and the most effective. We put two staff people on each committee of the seven, so fourteen people were working for us out in the field. Well, we had to train those people. We had to make sure that they were effective representatives of what we were trying to demonstrate and what we were about, and that they didn't get themselves in trouble. We tried to teach them how to relate to the chair of the committee, to the members of the committee, to the presiding officers and to the special interests, and how to carry out this role. They were very much our priests out in the provinces.

So we spent a lot of time talking to them about this role and this attitude and this style of doing things. Yes, we did make a big effort to spread it out farther, but not here in the California legislature, because we were learning it as we were going along and we were doing it more by example than by instruction.

MARGOLIS Those were a couple of the big issues that I have felt the need to get off my chest

HICKE Well that s very important Those were questions that I definitely wanted you to talk about So I m glad we covered that And you told me some good things to know about the speaker too But getting back to some more legislation rapid transit In 1963 there was the Collier Unruh Act ¹ Did you have anything to do with that?

MARGOLIS Not really I was aware of it The only thing that this highlights is that there was a lot of legislation pointing up the fact that Jesse was very much the big city, Los Angeles representative

[End Tape 17, Side A]

[Begin Tape 17, Side B]

MARGOLIS When he came here to Sacramento, it was before reapportionment and it was the rural dominated legislature The rural areas produced the leaders, the people who stayed a long time and rose to positions of leadership, and certainly [Senator Randolph] Collier was a notable example Collier, Burns, those were rural legislators who rose to the top Unruh saw his role as representing southern California in this split between the rural and urban interests The shift in population from north to south, while the north maintained its dominance, gave rise to the pressure for reapportionment This domination by the rural interests showed itself in the split in transportation funds

The state collects the gas tax, which is the sales tax on gasoline It collects it wherever it s paid and distributes it through the transportation commission, at that time the highway commission The money is put in a sequestered fund and distributed for road building purposes The source of the money is the larger population areas That s where more gasoline is purchased But the distribution was made on the basis of the miles

1 S B 344, 1963 Reg Sess , Cal Stat , ch 1852

of road, which meant the rural areas that all dominated the legislature. So Unruh saw one of his jobs as redressing the balance.

Why his predecessors couldn't figure this out, I don't know. But obviously, to get an increase in taxes ultimately takes a vote. If it doesn't take a vote on the specific measure, and the gas tax does, it either takes a vote on the specific measure or it takes a vote on the people who voted for the specific measure. And so there's going to be a vote somewhere along the way on raising the tax on the people who raise it.

Unruh was aware that he had a very strong negotiating position, because ultimately there's going to have to be an election. So he saw that the northerners need the support of the votes of southern Californians and "I'm not going to give them that support unless they give southern Californians a better break." And what southern California wants is transit money not highway money, what northern California and what the rural interest want, which is predominantly northern California, is roads.

HICKE

So we're talking about a bit of a north/south conflict.

MARGOLIS

Well, it's north/south, rural/urban, but they were largely overlapping. Except for the city of San Francisco, the north was pretty much rural. So he proposed the tradeoff to increase the gas tax but make the split closer to fifty-fifty. That's what that legislation was about and that's why he was involved in it. He quickly became the leader of the urban, large population interests, vis à vis the rural northern California interests. That was his role in water legislation as well; the fight was the same. And so that's what gave rise to that legislation. I don't know much about the dickering or the negotiations or any of that. I didn't track that legislation. I was not involved in it.

HICKE

Since it was sponsored by Unruh with Collier jointly, it sounds like it was a compromise sort of thing that was a

MARGOLIS

Yes. Unruh would approach a problem, as he accumulated power, by letting the word out that "Your gas tax increase is going to run

into some trouble over our way because we don't think the urban areas are getting a fair split ' So that would lead to negotiations

Collier was very foxy His nickname was 'The Silver Fox " He had this great mane of white hair and this very shrewd dickering, bargaining, negotiating capability, so he was called the Silver Fox Everything was negotiable as far as he was concerned and he saw what the problem was, and so they negotiated a deal where he and Unruh would be the co sponsors And this is like getting the leading Republican and the leading Democrat on a matter that ordinarily has partisan differences Well, this was the leading rural advocate for highways vs the leading urban advocate for transit and you get the two of them together and you've got a winning team They saw that and so they put it together that way

HICKE

That's interesting

[Discussions deleted]

[End Tape 17, Side B]

[Session 8, April 27, 1989]

[Begin Tape 18 Side A]

HICKE Well, you have a couple of papers here which I've just been looking at

MARGOLIS Yes I was talking a couple weeks ago with Dan Visnich, who was a legislative intern I think in 1961 or '62. For his required paper for the internship, he wrote on the ombudsman legislation that we have talked about. And in talking about it, he asked whether I would be interested in seeing the paper he did at that time. He did one on the ombudsman and one on the relations between the capitol press corps and the legislature. I said I was very much interested in seeing them, and I have since re-read them. They brought back to mind a whole host of things that had dimmed in memory.

With regard to the ombudsman legislation, there were a couple of things that illustrate some major themes of this part of the history. These are rather good papers and especially considering they were done by an intern. I'm rather impressed with Dan Visnich all over again. One of the things that he brings out was that the very sponsors of the ombudsman legislation were uncertain about whether to allow Unruh to be the author. They had long discussions. And I knew about this at the time, but I had completely forgotten about it until I re-read Visnich's paper.

People active in the [American] Civil Liberties Union, people active in liberal causes were involved in the origins of the ombudsman legislation and conferences held at U.C. [University of California] Santa Barbara. Because Stanley Anderson was there,

that school seemed to become the mainspring for the ombudsman in California. Some years later the Center for the Study of Democratic Institutions was relocated there. Santa Barbara was therefore involved in some parentage of the ombudsman proposal.

A name mentioned in this paper is a fellow who is still around here. He is Joseph Gunterman, the lobbyist in Sacramento of the American Civil Liberties Union. His wife is a lobbyist for one of the senior citizens groups. I have had contact on and off through the years with the Guntermans, and Unruh knew them and had sponsored legislation of theirs. He knew them before I did. Gunterman is mentioned in this paper as having had conversations with allies as being very concerned about this legislation getting caught in the clash between Brown and Unruh, and they were uncertain about allowing Unruh's sponsorship of the legislation.

On our side, when this proposal was emerging and we had heard about the concept, we thought it would be a pretty good idea for Unruh to be associated with for a couple of reasons. One was that we were very concerned about the lethargy and the rigidity of the bureaucracy in state government, and the ombudsmen might be a way to break down the impermeability of this closed system. And the other was that it would connect Unruh with trendy legislation. We thought doing so might help overcome his image as a wheeler dealer, back room, cigar chomping operator and all those things that the press was regularly trying to attach to his image.

On the other side, it's revealed in this paper, there were also discussions going on. Do we want Unruh to be associated with this and engage the enmity of the administration? Shouldn't we look for another author? Well, we weren't aware on our side that all this was going on. But I had a suspicion that something like that must have been happening, because any time we would ask for drafts, reports, or supporting documents, they were always very slow coming and sometimes not at all. And here we were facing

MARGOLIS deadlines for the introduction of legislation and we weren't getting the drafts. We finally went with a draft I think we got from Stan Anderson from Santa Barbara, who was one of the principal researchers writing on the ombudsman. But it really took extracting to get it.

The paper also describes in vivid detail the attitude of the administration toward this legislation. They were as negative as could be but for different reasons. The administration, mostly through Hale Champion strongly and Pat Brown to a lesser extent, regarded it as an affront and an attack on the administration. They viewed it like calling the cops against the malfunctions of the administration, and they didn't believe that they had malfunctions nor needed cops to be looking over their shoulders at the way they were administering the government. There's a reference in the paper to a newspaper quote that Champion said that the director of finance has so much power. Wait, I'll look it up.

[Interruption]

MARGOLIS This had to do with the question of discretionary administrative decisions coming under scrutiny. He says, "Perhaps this is why the director of Finance, Hale Champion, felt that an ombudsman would serve no useful purpose in California, according to Champion, and this is a quote from Visnich's interview with Champion, 'The director of Finance is given more authority than any other state officer, which is unique to California. It is a very general and very broad authority. In fact, one person said that he can do anything except go to bed with the queen of England. I might add that the inhibition is upon the queen.' [Laughter]

I just couldn't help but put that in the record, because it sort of capsulizes the arrogance of Hale Champion when he was director of Finance. He was strongly opposed to the ombudsman legislation because the administration looked at it in about three negative ways. One is that it gets this busybody sticking his nose into their affairs. 'Looking over their shoulder' is exactly their

words. And number two, they viewed it as giving Unruh a stick to beat the administration, a part of his seeking power, and he would use it as a whip against the administration. I guess those were the principle reasons they were opposed. I guess the third would be that they didn't want to see Unruh get anything.

This paper I see is dated 1965, and so it was a little bit later than I said at the beginning of this discussion.

The thing that struck me again, and it was brought home in re-reading this paper, is the way in which the liberals, whose causes Unruh often championed, were very doubtful about him or were less willing to cooperate with him or support him or let him get any credit for anything. This persisted throughout his career. Even though he was more on their side than on anybody else's. He supported labor, civil rights, and civil liberties legislation and all that stuff, he was nevertheless, because he wasn't one of them, regarded with suspicion, with caution at best, and people of that stripe were very finicky about being associated with him. It plagued his tenure in office a great deal.

I think to some extent that those feelings diminished much later on in 1968, when he became the leading advocate of [Attorney General Robert] Bobby Kennedy's presidential campaign. But even then, Bobby Kennedy at the beginning was viewed as a hard-nosed politician who was the Enforcer of the Kennedy family. He wasn't viewed as that left-wing liberal that he became during the presidential campaign in 1968.

HICKE

I agree.

MARGOLIS

Bob Kennedy was the staffer on the senate committee who played a little too close to Joe McCarthy. He was the guy who concentrated on the rackets investigation, which wasn't exactly a liberal's sort of activity. But then I guess he managed to make the turn in '68 with his anti-Vietnam War posture. And of course, when Unruh went in that direction, he managed to overcome some of that suspicion on the part of the left-wing liberals.

MARGOLIS Yes And so more time was spent trying to figure out what his motives were than whether people did or did not agree with the thrust of the legislation And all of that gave a kind of unreality to the process of legislating that issue All of the interest and concern was more about motives than it was about the substance of the legislation, which was unfortunate The enactment of the legislation suffered as a consequence I hold, first, the people who were reticent about his sponsorship responsible, the administration, of course, for having its own, much more parochial reasons for being opposed as the second one, and third, this very large unwillingness to take it seriously that the press and all the other people who didn't have a stake one way or the other applied to it It was very hard to get anybody to take it seriously It was odd, it was one of the oddest pieces of legislation from that standpoint that I ever encountered

HICKE Because it was such a new idea? Or because he had introduced it?

MARGOLIS No, I think it was all of these things because there had been so much discussion of motives, because the administration was so strongly opposed that it tended to lend some credence to the notion that he was just using it to whip the administration I mean, people believed that argument, and so they said 'What's it to me? Why should I be concerned about it? If this is a little parochial fight between Unruh and Brown, why should the rest of us be that concerned?'

One of the most interesting figures in this whole discussion was this Bill Stanton, whom I've referred to He really anchored the extreme left wing of the legislature during the time He was a professor at San Jose State [University] and a leading left winger, and was anti Unruh He voted against Unruh for speaker and was very outspoken in his opposition to Unruh It's unfortunate that the legislature has so few people of that outspoken character, whichever end of the political spectrum they are on There were right wingers and left wingers who were very outspoken people

The result of Unruh's being over on that side of the line was to leave everybody else in the political spectrum confused about his position. He was viewed, coming up, as this practical, hard-headed, business-oriented politician who could be trusted, though a Democrat, by conservatives in business. And then he wound up on the left end of the spectrum with Bobby Kennedy. So he managed to confuse the rest of the electorate, even though he accommodated himself to the left wing. In 1970 he had rendered himself incapable of raising any funds at all, because nobody knew where he was really. I think that was one of the reasons he had so much difficulty when he ran for governor in 1970, because he had bounced around the political spectrum a lot and people weren't clear about whether he was their kind of Democrat or not.

When this was going on with the ombudsman legislation, we viewed this reticence and unwillingness to be associated with Unruh as part and parcel of the CDC antagonism. My position, I recall very clearly, and I think it was his too, was not to stand for that. We were not going to be deterred by this reticence and reluctance. We were going to make the liberals come in with us, because we were going to go ahead with the legislation whether they liked it or not. I think we believed that they would argue endlessly about what to do about that and never come up with an answer. There wouldn't have been any legislation if it was left to them.

Probably those inauspicious origins had something to do with the lack of success of the legislation. In the end, Unruh felt let down by the supporters of the legislation, so he tended to be less emotionally committed to seeing it enacted. To some extent his lack of emotional commitment affected the attitude of other legislators. I remember lots of people asking whether he was really serious about this and why was he serious about it.

HICKE

That was in the paper. It expressed people's opinions about why he actually was [Inaudible]

They didn't mince any words about what they thought and it made the place a lot more interesting, because there wasn't so much pussyfooting and mousyness and people slithering over their positions or papering over what their position really is in order to slither through twists and turns of getting legislation enacted. There was much less of that and much more open expression of what people thought going on in those days and it's a sorry change from that.

Stanton was very suspicious of Unruh's motives but very supportive of the legislation, and he would say so all of the time. Now I'm reminded by these papers that he was quoted much more than almost anybody else.

The other thing about it that comes back to mind is that for some reason we gave [Assemblyman Winfield A.] Win Shoemaker the job of being the actual author of the bill. Win Shoemaker was an assemblyman from Lompoc. His district ran from San Luis Obispo to Santa Barbara roughly. Why particularly did we give it to him? He was a liberal. He may have been a friend of the people at U.C. Santa Barbara who were the initiators. I'm not sure. He turned out to be a weak author in that he didn't take any responsibility for figuring out the politics. He acted more like an interested bystander and very much amused by all that was going on. He was not a strong author. And that may also have had an effect.

In the senate and this I didn't remember at all until I read the paper there were grumbles that they weren't for the legislation. The grumbles came primarily from people like Hugh Burns, the president pro tem of the senate, and Luther Gibson, the chairman of the Governmental Efficiency and Economy Committee. If there was anything like Murderer's Row in the senate, that was it. Their reasons, which I guess we discounted were expressed in interviews that led to this paper. Now I'm putting their reasons in better terms, in retrospect, than they may

MARGOLIS

have put them. They viewed that having an ombudsman really takes the place of legislative oversight, that the legislature has the obligation to keep those government agencies honest, make them responsive to the electorate, and it's the casework that the legislators do that is supposed to produce that result in state government.

They didn't say it that articulately, but that's what it sounds like to me in reading their remarks now. It sounds to me as though they looked on the ombudsman as somewhat of an infringement on the function and the purpose of the legislature. This proposal would give over to somebody, an appointed official, the job of prodding the agencies, making them responsive, getting answers, or when there's an abuse by an individual of seeing that it's corrected, that equity is applied and not just the strict enforcement of the rules and regulations. In looking at it in terms of what I know now, I think that's a very telling argument and one that we should have been much more attuned to.

The way that we looked at that question was that one of the reasons Unruh was for this legislation is that we regarded the casework that legislators do, among the fifteen or eighteen functions you could ascribe to a legislator, as being the most insignificant or the most unworthy. It was one that tended to occupy the most time of legislators but with the least results for public policy. Our big commitment was to public policy, not to those representative functions that are peculiarly legislative. And the senate was looking at the other thing. So Unruh saw the ombudsman as the way of lifting out this big chunk of almost worthless casework.

Somebody sends in a complaint. It's usually an illiterate complaint. It's to the wrong agency. We used to get mail in the speaker's office from school kids saying, "Send me all the information you have on the government of the United States" or things like that. Or it's to the wrong agency or the wrong level of

MARGOLIS

government or it's a stupid request. Then somebody on the staff has to go look up the answer, go call the state agency, tie up their time, tie up the legislative time, and go get them an answer which they could have gotten. If they had had their heads screwed on right they would have known what the answer was to begin with. I'm not proposing that this is a sound argument. I'm just saying that this is the way we looked at it.

And so the notion of getting rid of this big chunk of time consuming and distracting activity and turning it over to somebody who has a whip in his hand to go get the answer seemed like an attractive notion. And it would leave the legislators free to devote their time to legislating, which is what we presumed they were there for.

I don't agree with all of that. In retrospect, I think we were wrong about a good deal of that. The representative function is clearly as important as the policy making function of the legislature. There are probably better ways of doing casework, but we were ignoring the benefit, the positive side of it. I now think that the ombudsman would have been a diminution of the legislature's responsibility to conduct oversight and that very often through an individual complaint, a legislator looking into it can turn up a big series of abuses going on in various places and have great impact. That practice, that activity, could have great impact on public policy and on what legislation he attempts to pass.

A lot of different themes played off of that legislation, though it was unsuccessful. It was kind of interesting to have it all brought back to mind by a very good paper on the subject. I think Dan Visnich deserves credit for having done that.

The other paper, the one on the press corps and the legislature, is not as big of a paper. It's more of a survey of who's in the press corps and what their attitudes are about the respective roles. I think that's an important subject and one that I devoted a lot of time to after I left Sacramento. I did a lot of battle with the

MARGOLIS press legislative relationship, and I tend to think that it s one of the more important junctures in the legislature s relations with the rest of the world and its interaction with the other players in the political system

I think capitol press corps tend to be peopled with less than the most able members of that profession for a variety of reasons It s viewed as a sort of Siberia in journalism In part, it s because the state capitols are in locations that are not the hot media centers of the state Ironically, some of the ones that are aren t any better But that sometimes has to do with whether there are any good newspapers or not in the state to begin with Boston comes to mind, where the capitol is in the media center but it has terrible newspapers Why that s so, I m not sure I don t know that much about Boston

I m very much persuaded that there s a resentment by the press corps of the legislators I had a role in a very interesting study of legislators and

[End Tape 18, Side A]

[Begin Tape 18, Side B]

MARGOLIS This had to do with a study of press corps and legislators done by somebody at the Iowa State University¹ There were two fellows one was in journalism, the other was in political science, who did this project together When I was the executive director of the Citizens Conference on State Legislatures we put some money into the extension of this research They had done this research before we got on the scene, and we were very much interested in it and we had them try to replicate it in other capitols than Iowa s

They reported that legislators typically are upwardly mobile, and press corps people were typically downwardly mobile That is

1 Charles Wiggins and Paul Yarbrough, 'Reporters and the Legislative System A Study of Perceptions and Performance,' Iowa State University, Ames, 1973 (unpublished paper) (Wiggins is a political scientist, Yarbrough a sociologist who taught in the School of Journalism)

to say, the parents of legislators were of lower economic status than the legislators themselves who had better educations and better income prospects than their parents. Maybe that's from being in the legislature. [Laughter]

HICKE

They were lawyers

MARGOLIS

Yes. The press corps people were typically sons of fathers who were professionals, doctors, lawyers, and so on, and they had lesser educations and poorer economic prospects, and they were resentful of seeing these other guys rise.

A very interesting thesis. It drives the press crazy to hear anybody make any mention of it. And I don't know how much water it can hold, but it's an interesting notion and I think there's something to it. There is an awful lot of resentment, and it's institutional resentment between the press and the legislature.

Now that's very easy to understand. The press is trying to find out what the legislators are really doing. The legislators are trying to convey not what they're really doing, but what they think the public wants to think that they're doing. So there's a clash of purposes there to begin with. They try to play one another off and, of course, most of the game that actually goes on is one in which the legislators are trying to outguess the press and the press is trying to outguess the legislators. You get a very fractionalized view of what's going on at the capitol as a result of those practices.

There are some other institutional conditions that also produce this result. It has been described by others as the herd instinct among the press corps members. This could be true whether it's the capitol press corps or the press riding on the presidential airplane or whatever. They talk to each other more than they talk to anybody else. Their editors are reading the competition. They're reading the other papers and saying, "Why don't we have this story?" So it's very bad in terms of internal politics in a particular newspaper to be caught short. So you watch what your colleagues are doing and you try to make sure you're not

out of step with them, because then you've got to justify yourself "How come you had this but nobody else had it? And 'Are we out on a limb? Did you get confirmation? And that's all painful stuff to somebody who's trying to meet a deadline and please his editors or get copy into print

So there is a tendency toward herd journalism, and that's not good for the institutional purposes of the legislature. Things get to be fashionable in that system, and if you don't play those fashionable games, then you get bad press or you don't get any press, which is worse

This paper by Visnich, as I say, is not as good a job as his paper on the ombudsman, but it's enough to re-invoke the spirit and attitude of the times. I'm talking about the time when Unruh was speaker and I was getting broken into all this stuff

At the Citizens Conference and later Legis 50, I ran a series of seminars and institutes which were designed to bring the press and the legislature together with some intermediating being done by the private sector, the public members, business people, academic people, others not party to either side. The idea was to bring those groups together and try to get some mediating, some deeper understanding on the part of the press corps members as to what the peculiar needs and interests and stake that society has in legislatures and in press coverage of the legislature, and to get the legislators to understand what the real role, the proper role, of the press corps is in being a communication link with the public

For some of those seminars and conferences we engaged the services of Arthur Miller, the professor at the Harvard Law School who has made a career of conducting these conflict reduction or resolution sessions among adherents of various conflicting groups. He did some marvelous early ones for us in which he Have you ever seen an Arthur Miller conducted seminar?

HICKE

No

MARGOLIS

He did some on public television on the conflict between the first and sixth amendments, freedom of information versus the right to a fair trial, those conflicts in which you have really important values in conflict with one another. Well, we had him do two of these on press and legislative relations for us. He would get a panel of about twenty five to thirty people—three or four editors, three or four reporters, a couple of editorial writers, a couple of publishers representing the press—and then there would be some legislators, back benchers, some leaders of the legislature, and then some business people, some academic people, and so on.

He'd get this group together and he'd start questioning, 'What's your opinion of so and so?' talking to a reporter. Then go to a legislator, 'What do you think of that?' Do think the reporters in your capitol—? Then he'd start getting them arguing with each other, and then he'd get the editor, "Do you agree with what this reporter is saying? Would you let a reporter—?" He gets it all out, and it's a fascinating way of drawing out what the values of this group are and what the values of this other group are, where the conflict comes from and what could be done to reconcile it or reduce it. It's magnificent. It's breathtaking to witness. It's theatrical drama brought to really serious policy problems.

But anyway in reading this paper what I was reminded of was how backward the Sacramento press corps was, how really out of it they were. Now you've still got bad actors and weak operators in the press corps, but you have some able people too, I think much more so now than in those days. But in his paper covering those days, Visnich is characterizing these people as to who's a partisan of the administration, who's a partisan of this or that and what's their reason for being so. And so many of them had axes to grind.

He makes mention of Jackson Doyle, who was a capitol correspondent for the San Francisco *Chronicle* here. He was one of the fellows who was on Unruh's neck all of the time, and Visnich is describing how much of a partisan of the administration he was.

He ascribes it to the fact that Hale Champion had come from the *Chronicle* to the governor's office and that they were friends. So Doyle was very easy on the administration and very tough on the legislature and very tough on Unruh.

When I was assistant to the speaker, Tom Bane was chairman of the Rules Committee, and he is now again and has been for some years chairman of the Rules Committee, he's the dean of the assembly now, only in terms of the length of service though, not achievement or stature. One night, this was after an election, after the swearing in of new members, during a changeover when one legislature was going out and another legislature was coming in, new members and offices were being shifted and reassigned. Tom Bane and I were looking around the capitol.

It was rather late at night and we were trying to resolve whether to move somebody here and somebody else there. Somebody was moving up to majority leader, should he be closer to the speaker's office, and who's occupying that office now, and what are the implications? We were just going around looking at the space and trying to decide whether this solves that problem or not. Presumably all the offices are closed. It was perhaps ten or ten thirty at night.

We came to Charlie Meyers's office. Meyers was a San Francisco assemblyman I've made some reference to before. We saw the light coming from the inner office. Well, Charlie was a late night worker, but he also lived in San Francisco and he would often go home and commute. He could have been working late, but it seemed unusual that the light would be coming from the inner office. The chairman of the Rules Committee has a pass key to all the doors so we unlocked the door and went in, and there sitting at the desk was Jackson Doyle, sitting at Charlie Meyers's desk in the inner office. The offices are generally two room suites with a member office and the staff outer office. And there sitting at Charlie Meyers's desk in the inner office was Jackson Doyle.

MARGOLIS

Bane said, 'Hi, Jack, what are you doing here?' "He said, "Oh, I'm working on the committee report " Meyers was then chairman of a committee called Civil Service and State Personnel Bane said, 'You are? How come?' He said, Oh, Charlie pays me to write the committee report annually " He said, "Oh, is that right? I'm chairman of the Rules Committee, I never realized that " 'Oh, yeah I've been doing it for two or three years "

So we decided not to press the matter further but to back out and think about what the implications of this are and what we ought to do about it I mean, it was clearly a breach of ethics And here's a guy who's been banging our heads off He's been really knocking Unruh and the whole administration of the assembly all the time, every day Terrible, negative articles

HICKE

Doyle

MARGOLIS

Yes So we back out and talk about it We decided between us we would tell the speaker about it, but we thought that maybe the best thing to do would be not to say anything, and it may be that his guilty conscience would cause him to slow down on the negative stuff Whereas if we broke it out in the open we'd make an enemy and we'd have no leverage on him Well, Unruh agreed with that latter strategy and we followed it And the result was that he kept banging us as though nothing had ever happened, and he was sort of taunting us to reveal it and we never did we never said anything about it And he just went right on banging us as though nothing had ever happened

Bane did go back to look at the records and found an expenditure that had been paid by the Rules Committee for a J Doyle assisting in some kind of office work [Laughter] Now I'm not saying that the press corps was riddled with people like that, but that was more usual I think than you would ever find today For one thing, there's more institutional enmity between the press as it's presently conducted and the legislature There's more suspicion There's all the investigative reporting style of the

Watergate Deep Throat and [Carl] Bernstein and [Robert] Woodward and all that they mean to press reporting on government that since has happened But that's how it was at that time

[Interruption]

MARGOLIS

OK Let's switch gears and talk about something else

HICKE

OK. One of the things that I want to be sure and get to is Jesse Unruh as treasurer, and I thought you might sort of compare and contrast his responsibilities and activities as treasurer with those of speaker

MARGOLIS

In sort of a preamble fashion, I would like to remind you that number one, I left the speaker's office in September 1966, left California in September 1967, went to Kansas City to be the executive director of the Citizens Conference on State Legislatures And Unruh left the legislature in 1968, I think You would have the records of that, but I think it was then '67 or '68 [1970] I was in Kansas City from 1967 to 1975, and then in Denver from the middle of 1975 to the very end of 1979 Now Unruh was elected treasurer He ran for governor in 1970 unsuccessfully He ran for mayor of Los Angeles in 1973 unsuccessfully And he ran successfully for treasurer in 1974 He was elected in 1974 as state treasurer I didn't get back here until the end of 1979 And I didn't join him in the treasurer's office until 1981

Now having said that, I have of course interested myself in that question, and my impression is and there are others who were here then who would know this that he didn't do much of anything with the office in the first term, 1974-78 It wasn't until perhaps '78, '79, '80, when he started to realize that there were unused powers in the office, they could be mobilized, and there was strength in his relations with the legislature which could be used to build the strength of the treasurer's office And so he started slowly to move

The impression I get is really more from others than from him, because as I've told you, Unruh has never been very reflective or self analytical. He doesn't talk about those things very much. But the impression I get from others is that he was pretty much in shell shock from the time he lost the governorship in 1970, and that it really stayed with him the two years that he was out of office leading up to running for governor. Then he lost the race for governor.

It wasn't just the loss of the governorship that accounted for his malaise, but he didn't seem to make any headway. He couldn't get anything mobilized. He couldn't get anything organized. He couldn't get any money to run. He couldn't get his ideas across. He was really tangled up in a web of things. And the loss of the governorship left him devastated psychologically. It also was accompanied by his coming out in the open with the disillusion of his family, his marriage, and his unhappiness with everything about himself.

When he got elected treasurer, he had to be pushed into filing in the first place, and then to believing that he could get elected without being able to raise massive amounts of money, but that his name carried enough public responsiveness that he could get elected. But at the very beginning he was resting on his oars, going through the motions but really thinking it's an office that's beneath his capabilities, his destiny, his mission in life.

Then somewhere in '79, '80 he started to come awake. What all motivated him? I wasn't party to that, so I don't know that much about it. The person who I think was closest to him during all this period was Frank Burns, whom I've mentioned many times and who I certainly think should be one of the people who contributes to this history.

HICKE

Yes

MARGOLIS

Burns was always an outsider governmentally, but very knowledgeable and very close to the insiders. And with a very

good memory about specific details, which is a useful thing to have in this business

Let me fill in the history I came back to Sacramento at the end of '79 I set up as a private consultant, a public policy consultant I had a promise of a contract with Ken Cory to do consulting assignments for the controller on Medi Cal claims processing There was a crisis going on in that field, and he wanted to know if the system that was installed was going to survive or not or if the state was going to be stuck with all the reimbursement machinery, costs, and so on I got into that with Steve Thompson and we completed that consulting project That led, in turn, to a consulting assignment for the assembly on Medi Cal reform We organized a health policy forum and managed it

While all this was going on, I was reestablishing my Well, I never lost the relationship with Unruh, it was more a matter of renewing it

When I was the executive director of the Citizens Conference, he was on my board In fact, from the time I went there I asked him to be on the board and he agreed He was a very helpful, useful member of that board throughout most of those years He was more of a celebrity than almost anybody else on it, and so he had an ability to attract other people to serve on it We then got people who were more celebrity than he, like Chesterfield Smith, who was president of the American Bar Association, and Jeris Leonard, who was head of the Law Enforcement Assistance Administration in both the [President Gerald R] Ford and Nixon administrations

My contact with Jesse resulted from his occasional attendance at a board meeting We would spend some time together, go out on the town or have a quiet dinner We didn't have a work relationship Sometimes we would see each other every three or four months, not frequently

MARGOLIS

When I came back, I started to renew our relationship. I took on some tasks. This is, again, as a friend but not in government. As a private citizen, I started to manage some fund raising activities on his behalf, and conducted quite a few events. We raised a fair amount of money in the course of a year. In politics there's sort of a slap dash, unprofessional way of doing these things, and I brought a degree of organization and professionalism to the job of raising funds, which I was doing simply as a volunteer but knew how to do. I had raised \$2 million a year for the Citizens Conference from foundations and corporations. I had some experience in raising funds.

I was doing that and Unruh and I were getting reestablished. Then in 1981 Grover McKean, who had been his chief deputy, left. As I have said, Unruh had become very close to McKean and regarded him almost as the son he didn't have. He didn't like his own sons, he had four of them, but he didn't care much for what he had produced. He became very attached to Grover, and Grover, I think in agreement with Jesse, had decided to go into investment banking. He left the treasurer's office and became an executive in public finance with Shearson American Express, as it was then known. Jesse had talked to me, this was in the summer of 1981, about coming into the treasurer's office.

I was coming toward the end of the health policy, Medi-Cal reform project. Steve Thompson had left the project in order to become chief of staff for Willie Brown, whom Unruh had helped to become speaker. So I was faced with the question of hustling more consulting business and whether to try to operate as a solo practitioner. Thompson and I had worked very successfully on the two projects that we were involved in, but I wasn't used to running a consulting business on my own, nor was I as well connected, not having been here for those intervening years. So the question of whether I ought to go on in that mode or not was in my mind. Unruh felt that he was losing his closest ally on the staff, a political

MARGOLIS advisor, a close friend And though he had other people in his office, he didn't have people

[End Tape 18, Side B]

[Begin Tape 19, Side A]

MARGOLIS Though he had other people in his office, he didn't have people who were long time associates of his or close friends of his, or people he felt comfortable with, or people with whom he felt he could share his doubts and concerns and heart felt aspirations And so he asked me whether I would be willing to come in to his office I went back and forth and then said yes I would

He asked me if I wanted to be his chief deputy, and I didn't I did not want to get in the business of being loaded with the administrative responsibilities of hiring staff and firing staff, budgeting, handling all the myriad scrungy details that administering an office entails, though it carries with it a lot of power to make decisions about the products and the processes of the office But I didn't want to get into that I said I would rather be in a role of advising and being able to observe and comment on things, but I didn't want to be burdened with heavy administrative responsibilities which I regarded as sidetracking and burying, not productive It's not what I like to do

So that's what we agreed to He appointed me executive secretary of the Pooled Money Investment Board, which is a three member board The Pooled Money Investment Fund is operated by professional staff so it was really a matter of policy setting, and it was just a position from which I could do other things The kinds of assignments he gave me were those of coordinating some of the financing agencies with the front office to make sure there was a consistency of policy concerning his views as to what the state should be financing in those areas

He also used me as a trouble shooter If a new piece of legislation created another agency in the treasurer's office, as was

done with the California Debt Advisory Commission and the California Rail Passenger Financing Authority, he asked me to organize them, to get their rules and regulations adopted, get them staffed, get them running. Then in the case of the debt advisory commission, once all that was done I left it and returned to what I had been doing before. I stayed with the rail passenger commission, so that was just an added responsibility to the Pooled Money Investment Board. But I was on hand to help him think things through, help him decide things.

Looking back over it, I realize some things which were not totally clear to me as I was going through this experience. One thing I knew was that we weren't getting along quite the way he and I had when he was speaker and I was his chief of staff. What I found was that he had developed this practice of dealing with only certain things and only up to a certain extent with any one individual. Nobody had the kind of closeness to him that I had when I was chief of staff. It wasn't that somebody else had it, nobody had it. He wouldn't allow anybody to have that much of a domain in his office, or that much control over that much substance. I never, even in the legislature, felt that I had control over his business anyway. It was just that I was holding it for him, so to speak, until he could get his attention applied to it.

Nevertheless, there was one difference. It seemed as though he didn't trust anybody. And he even said at one time about something that I asked him that he believed in telling people only as much as they needed to know to do their jobs. This was quite a change from the open, free communicating that I had been used to when I worked for him in the sixties.

HICKE

Why do think this change came about?

MARGOLIS

Well, I'm painting in a whole picture of a change that occurred. When I finish sketching it in, then we can talk about that.

I also found that he would get exasperated and impatient more. It seemed in the sixties he had a great tolerance. People

worked different styles, different capacities, and he could tolerate a lot of varieties of style and approaches. But he seemed less able to now and more impatient and quicker to anger. He was drinking quite a bit, although that wasn't new. He had gone through periods in the legislature when he drank a great deal, and then he'd go on the wagon for a long period of time. But he was drinking a great deal at this time.

One of the things that stayed the same was that he always had these myriad sources of information, so that he was always out absorbing things, getting information. But in the sixties, the way he would use that, at least in dealing with me and other people close to him on the staff, would be as a way of checking us and saying, "Well, I understand from so and so thus," and so he always had this countervailing information that might weigh against what we were recommending or what we were doing. But it was in the spirit of give and take. Whereas it seemed in the eighties he was using that sort of thing as a way of trapping someone, as a way of rendering a judgment about their proficiency.

And there was a tendency, I think on his part, to change courses on the basis of something persuasive that somebody said recently. He would seem to change directions because he had had a long talk with somebody. That was totally inconsistent with what he had been doing all along. So this created a degree of puzzlement for me. The thing that I used to say that was so great about him was that you always found him in the same place you left him. We would talk about something, and it didn't matter whether we didn't get back to it or different information had developed. If you went to bat, you could count on the signals being the same. You wouldn't suddenly find out, "Oh, my God, they've all shifted and nobody told me." The signals were all the same.

Well, this wasn't true in the eighties anymore. Signals got changed frequently and without any communication of them. That caused a great deal of puzzlement, because it removed what I

MARGOLIS

thought was one of his great attributes and one of the sources of pleasure of working with him. It did not have a lot to do with public policy, but the quality of being able to work with him and know that you can say to somebody that this is what Unruh wants to do or this is what he thinks and know that it's not going to change. He's not going to say, 'Now wait a minute. I don't think that' or 'I told him something else.' The confidence that you could count on him being where you and he had talked and agreed to is a very valuable thing, especially when you're dealing with somebody who's involved in a whole lot of things and the action is very fast moving and you haven't got time to recheck. So much of this had changed.

More in retrospect than in terms of what I understood as this was going on, I realized that he was not the same person in 1980 that he was in 1960. He was just a totally different person in many of these respects. And what to attribute that to? Mainly, I think, a great disillusionment as a result of having lost the 1970 election. That took an enormous bite out of him, and he underwent a change. He apparently decided that he had been screwed and that he was going to get even, and that he was going to get his, and that he was no longer interested in doing good for others or no longer interested in being self-sacrificing or contributing to the well-being of the community regardless of how it affected his personal fortunes. He was now going to get his.

I think that he underwent a very massive change in outlook and in attitude toward the world and toward everybody else. He no longer trusted anybody. He could have been doing things that he wasn't any longer proud of. I don't know, because who he did them with or what he was doing, I couldn't get anywhere near any of that stuff. I mean, if I came across anything I would say, 'What's this about?' he would say, 'It's not anything that you need to be concerned with.' This was part of that 'only what you need to know.' I started to feel very uncomfortable about it.

MARGOLIS

Another concern I had about Unruh had to do with his personal well being. Jesse was smart, gutsy, an integrated personality, well focused, but at the same time he was relatively uncultured. He read a lot, but he read more for historic information. He wasn't great on reading novels. He was reading more biographies or histories or even sometimes technical things. But it seemed to me that, in older age and less robust health, he might not have the consolations of culture or the ability to be interested in things that reach deeply into people and make life worthwhile when all of the physical satisfactions wear out.

I tried hard to get him interested in things. I tried to get him to take on deeper meaning things, longer run activities, things that would have to do with what the economy was like twenty years from now, for example, in hopes of engaging those impulses and energies that would make his life more meaningful for a longer period of time.

I found in the sixties when I would do things like that, he was always interested in everything. You could interest him in things. He might not be at first, but you could reach him on some grounds and interest him. He had this very active imagination, creative quality and energy. In the eighties, it was more like, "I don't want to get into that," "I don't want to start any new projects," "I don't want to take on any more responsibilities," "I don't want to..." Now it isn't true that he didn't do those. He did start some things, but he was very, very selective about how he used his energy. He wanted to see where the short run payoff was before he would be willing to go into that. Or it had to intrigue him in a way.

It became more and more difficult to find ways to intrigue him. He, as I say, was simply not the same person that I had worked with and known, and yet I was trying to relate to him that way and found him not responding that way. He just wasn't open to that kind of influence.

MARGOLIS

One of the last things that I tried to get him to go on, and it was literally like one of my favorite allusions to a difficult job dragging a wet mule up a high hill on a long rope This was the infrastructure finance issue, the stuff we are now battling continuously gridlock on the highways, the diminished investment in long term capital improvements of all kinds, not just highways but flood control and bridges and sewers, plus the decline in things that affect the quality of life the purity of the water, the quality of education, the things that made California golden but not anymore, the things that are being overrun by people from other parts of the country and not being replaced or built onto He went along part of the way, but he didn't want to have any clash with the governor, because he didn't want to have any opposition to run against This all multiplied after he was diagnosed as having cancer And so he just couldn't be made to go

The only thing that he did do in the later years that represented a new departure was the organization of the Council of Institutional Investors, which came about by virtue of the treasurer being on the boards of the public employees retirement fund and the state teachers retirement fund The advent of takeovers and acquisitions and the impact that those were having on the stocks that were being held by those pension funds and other large institutions the negative effect that takeovers were having on those stocks were of concern to him People were making money out of taking over corporations, and yet these pension funds were substantial owners of those corporations and they weren't benefiting any from the resulting profit taking that came from dismantling a business after it was taken over The necessity was to find some way to protect the interests of pensioners, or on their behalf, the pension funds that owned those stocks, to make them a party to the negotiations that have to do with whether a takeover is successful or not

MARGOLIS

That was an imaginative and creative piece of work. It's a still unfinished piece of work. But he saw the point of it and he had the stature to be able to organize it and to get some seventeen or twenty major pension funds to work together on defining a position when a takeover is in the making and they own stock in those corporations and are looking to protect their interests when those things were happening.

But that was one of the very few and very rare things in the last three or four years that he did to initiate and take on responsibility for a major new activity.

I was talking recently with Frank Burns about that period, in the spirit of trying to understand some things having to do with that period of his life. Burns was of the view that it took quite a bit of doing just to get him started thinking about the treasurer's office and what its possibilities were and what he could do with it. And he did start after 1978-79 to be interested in that. But he had gone through really dragging rock bottom and had been emotionally played out, disinterested, hating himself, unhappy with everything. His interest in building the office lasted until about 1985. He was diagnosed as having cancer in late '85.

I was with him in New York. We were visiting the credit rating agencies. We also saw a lot of other people. I organized a bunch of events like lunch with the president of the New York Stock Exchange. We met with the board of the New York Stock Exchange and then we also had lunch with the president of the Federal Reserve Bank of New York. I planned and organized those activities when I was in the office. And so we were back there together.

I think we were in that great restaurant in the financial district, Fraunce's Tavern. It's one of the oldest restaurants in America. It was a revolutionary war days hideout. Everybody in Wall Street goes there. We were there waiting to have lunch with the editor of the *Bond Buyer*, which is the bible of the finance industry. Unruh

MARGOLIS called back to get the results of the prostate test that he had had a couple of weeks before and learned that it was malignant. He got that news while we were standing there waiting for our guests to arrive for lunch. It was pretty much a downhill spin from that point on. At that point he was told that it was a very slow growing malignancy and the most responsive to treatment. But in the end it wasn't. I think it had probably metastasized by the time he found out about it. I don't think it was any longer possible to stop it.

It is clear to me now that Unruh, throughout this period of the eighties, was not the person that he had been when I got to know him. I made the mistake of trying to relate to him as though he were the same person, and it didn't work. It wasn't a good idea. It was bad for me, bad for him. From here on we get into speculation about who contributed to what. I don't know that's current history, which isn't exactly the scope of this enterprise.

So I don't know. What do you think? Where does that put you on your outline?

HICKE Well, in pretty good shape. I think the only major thing I have left to ask you about is campaign financing. Do you think we can wrap that up in the next twenty minutes or so?

MARGOLIS I think so. As I said, I had done some fund raising for him as a private citizen. In October 1981 I went into his office as an employee of the state, and that put a bit of a crimp in my freedom. I continued to do fund raising on his behalf, or to help him raise funds, which is really the proper way to put it, but to do so I had to take leave, which I did from time to time.

We conducted one or two major fund raisers a year, one usually in New York and one in California. And as I began to do work on those I would take leave from the state payroll and just do the work either on vacation or on free time. But we were raising large amounts of money. It was getting easier and easier to raise money from the Wall Street firms, because we also got publicity in the *Wall Street Journal* about what a dynamo and what a doer.

Unruh was, and how much people were vying for his favors and his attention

All of that just fed the impulse. The Wall Street firms were trying to propitiate the gods, so to speak. They were never promised anything. They were never told, 'If you do this, we'll do that.' But they were trying to propitiate these unknown, mysterious gods, and hope that favors would flow. And since the stakes were so enormous, they contributed large sums of money. And in the later stages of 1985-86 we were raising \$20,000-25,000 per firm each year. Well, it actually got higher than that. I know a couple of firms came up to as much as \$40,000 a year in campaign contributions.

HICKE

Did they have interests in California?

MARGOLIS

Oh, yes. They were either in the position that they already had big interests in California. The whole industry was moving out this way. Almost weekly an office was being established by a New York firm in San Francisco or Los Angeles. They were moving. We caught the tide really. It wasn't that we had such magic, but we caught the tide of being right in the path of development, so to speak. They were moving out here and then there were firms that were trying to figure out whether they should move out here or not. It was a big step and a new step. It was going to happen, but they just weren't sure that it was the right time yet. And so they were feeling their way or trying to find out whether they could get assurance or confidence that if they did so it was likely to produce business. So there was a lot of that kind of throwing bread on the waters or feeding the fish so to speak or chumming for business.

In any case, these events were enormously successful. I remember a couple of them we held in New York. One of them was at the apartment of a mother-in-law of a friend of Jesse's from the Kennedy administration days who was indirectly connected with investment banking. This was a fellow who had been a friend of Jack Kennedy's. And his mother-in-law made her East End

apartment available. This was a magnificent apartment. We had something like 150 to 200 investment bankers in the room, and it was so jammed you couldn't get in. The intensity of the thing was immense.

We topped that the next year. We got Bernard Cantor of Cantor Fitzgerald, a bond trading company, to sponsor a reception. We had dealings with Cantor Fitzgerald, but it was not in the mainstream of bond issuing. They were traders and they would sell or buy from the Pooled Money Investment Fund or other state investment, or the pension funds. Bernie Cantor was a interesting character, one of the dying breed of entrepreneurial founders of firms. He was the country's leading collector.

[End Tape 19, Side A]

[Begin Tape 19, Side B]

MARGOLIS: Bernie Cantor is the country's leading collector and authority on [Auguste] Rodin sculpture. He started collecting it in 1945 and collected more of it than anybody has ever owned. He donated the Sculpture Garden to Stanford University, the Los Angeles [County] Museum [of Art] sculptures.

He created a museum at the top of the World Trade Center. Cantor Fitzgerald offices were on the top floor of the first World Trade Center building in New York, and the next floor down held the Rodin museum that Cantor started, and I think that ultimately went to Washington to the National [Gallery of Art]. He had financed the first casting of the complete Gates of Hell of Rodin. Most of what ever existed had never been cast as a total piece of work. Individual pieces of it—a gate, a statue, a figure—had been, but many of Rodin's famous works were pieces in this whole facade called the Gates of Hell. And he did the first casting of it. It was shown and is in the National Gallery [of Art] in the [Andrew] Mellon Gallery in Washington.

Anyway he had this museum up near the top of the World Trade Center Building So we persuaded him to have a reception for Jesse up there in the museum

HICKE

Oh, wonderful

MARGOLIS

So here we had all these investment bankers in this immense rotunda The museum radiated out in spokes from the circular area and in the middle of it was a fountain We held the reception in the central area The people who attended could see the exhibit There were castings of all the major pieces of Rodin sculpture This was sort of the cultural highlight of our fund raising activity in New York one year I think we raised a quarter of a million dollars in that one evening And in the course of the time that I was helping him with this, we raised \$1.5 million

Unruh had few needs for money on this scale It was raised more against the contingency of having to run in a hard fought campaign As treasurer Unruh was blessed with very weak opponents Usually some strong people filed in the primary, but they never survived their own primary He had no trouble beating the survivor of the primary The Republicans had a penchant for nominating the weakest of the four or five candidates who ran in the primary So he didn't have a lot of use of funds

He used much of the money to contribute to other campaigns I know he helped many of the legislators, and, of course, this was the reciprocal of the legislators being willing to strengthen the powers of the office, which made him an even more powerful fund raiser But he contributed to the campaigns of a lot of legislators He contributed to the coffers, the combined campaign funds, of the speaker or the president pro tem of the senate, big chunks of money, or to important initiative campaigns, that is important to the legislative leaders, like the Gann initiative limiting legislative spending and others

At the same time, Unruh had been always very much of a proponent of reform He thought the method of raising funds for

campaigns was a very bad one for the political system and that it needed to be reformed. But his attitude toward things like that was, "You just tell me what the rules are and I'll play by them and I'll win, whatever the rules are. And if the rules are that you raise money that way, then I'll raise more money than anybody ever raised that way. But I don't think it should be done that way." He was an advocate of public financing of campaigns and limitations on campaign expenditures, and severe limitations on private contributions to campaigns. And he was serious about it.

Now some of the other political leaders have embraced campaign spending reform, but when it comes down to an actual piece of legislation they end up opposing it for a whole lot of technical reasons, which really means they weren't for it in the first place, they just wanted the credit for having been associated with it but they don't really want to see it happen. I think the present speaker is very much of that stripe, and I think the president pro tem a little less so, but substantially is of that stripe.

Unruh really did believe that it ought to be changed and supported efforts to change it. He supported the Common Cause initiative. He was still alive when Proposition 68¹ passed but not by as many votes as Proposition 73² and 73 prevailed. One hundred thousand dollars of his campaign funds went to support that campaign. That contribution was voted after his death, but it was in keeping with his instructions early in the campaign that he wanted done. That was one of the three things he wanted the money left in the campaign to go to, to support campaign finance reform. The other was the USC leadership study that was being done through the Institute of Politics at the University of Southern California, and the third was any campaigns for office of his children. But then he never agreed to put any money in any of the campaigns when they did run for office. But those were his

1 Proposition 68 (June 1988)

2 Proposition 73 (June 1988)

MARGOLIS

instructions to the committee that he appointed to dispose of the funds

The funds have pretty much been turned over to USC That \$100,000 went to the Prop 68 campaign, and then I think another \$100,000 went to some other charitable activity, and then the remainder, which should have been around \$1.3 million, went to USC

I supported him in his efforts to support campaign reform I think the high cost of campaigns and unrestricted methods of raising those funds is the worst thing that has affected the governing system in the country, and it's wrecking our public policy system totally I'm not of the opinion, nor do I think Jesse Unruh was, that public finance is a solution to the problem It's really more of a relief for a period of time to try to find other ways of organizing than we have so far discovered

But the reason that public finance is so important is that it's the only method we have of getting candidates to volunteer to restrict the receipt of campaign contributions If we don't do that, and we try to prohibit campaign contributions of any kind, we end up violating the first amendment of the constitution So you either have to change the first amendment, which is thought to be a virtually impossible task, or you have to get candidates to volunteer to limit themselves And the only way you can do that is with the inducement of money The only place you can get that is from public coffers

An irony is that we raised this gigantic fund and it was growing just on interest from deposits The funds were deposited in \$100,000 chunks in various savings and loans and banks to the limit of the FSLIC [Federal Savings and Loan Insurance Corporation] or FDIC [Federal Deposit Insurance Corporation] insurance Depending on where interest rates were, I don't think they ever earned less than 8 percent a year and were earning as much as 16 percent at one time when the interest rates went high And so it

MARGOLIS

was growing Jesse had his oldest son, Bruce, working on the payroll of the Friends of Jesse Unruh, which is what the campaign committee was called, and even though he was a pretty big spender, I think the interest was growing on the campaign funds faster than the administrative costs were eating into them Somebody might dispute that as a fact I think it was a close call in any case

At this stage he had plenty of money to spend in other people's campaigns, but his own political needs were turning the other way, at least as he viewed them I'm persuaded, although I can't prove this, that in advance of his last campaign, which would have been in 1986, he cut a deal with the governor that he would not rock the boat for the governor politically in exchange for some help from the governor in avoiding a major fight for reelection And that part of that deal, on his part, was not to put major money into Democratic campaigns So he wasn't even able to spend the money as it was accumulating so rapidly, because he had taken himself out of that business of financing Democratic senate, assembly, and congressional campaigns

The governor helped keep the race clear, and there was no opposition, which is phenomenal There were some minor party candidates that filed, but they never have been a serious consideration in such races I think that's how that happened I don't think that happened accidentally or by itself I think he cut a deal with the governor, and the governor was able to clear out the race Unruh kept his end of the bargain and didn't spend any of the money

While all this was going on, I was doing a full time job of managing the Pooled Money Investment Board While I was there, more and more responsibilities were landed on that office Various loan funds were created by the legislature and the Pooled Money Investment Board was instructed to administer them So there was a growing body of activity there There was the

MARGOLIS

continuation of the coordination of policy among the financing authorities, which were more and more active, and the front office. There were these troubleshooting assignments, the organizing of new boards and commissions, that I was involved in. So I was doing all those things. And on my own time I was doing the fund raising which was hugely successful. More so than was necessary, as it turned out.

The big question that people ask is, to what extent did fund raising influence policy? And it would be foolish to say that it didn't influence it at all. But it was within bounds. Nobody was ever promised a particular result. But it would be foolish to say that people who contributed didn't get any benefit from doing so. They achieved the opportunity to be considered when selections were made if they met all the other conditions to do so. Nobody was ever put in a deal who was hopelessly incompetent to do it. It starts with Unruh's belief that most of the firms could do most of what any of the others could do. They were all pretty competent. Not all, but there are many competent ones. And there's not a dime's worth of difference in the way they do it.

Now that's not totally true. There are some innovations once in a while, some firms are better at producing them than others. But the margins are very small. So it really is a free choice. Unruh was fairly vocal in saying, "When it comes to a free call, I'm going to help my friends and not my enemies, or 'I'm going to help somebody who helps me.'" He didn't make any pretense not to do that. Even in his worst, most disillusioned and selfish times, I don't think that he would ever make a choice of somebody clearly inferior over somebody clearly superior because the inferior one had contributed and the superior one had not. But he might make that kind of a choice among comparable rivals and did so frequently.

Anyway, those were the main considerations I know of concerning fund raising. There may have been a whole level at

MARGOLIS which he was doing things either with investments or individuals
where he was benefiting in some fashion or other I'm not aware of
them I don't know what they are I've heard rumors, intimations,
and so on, but I don't know what they are and I don't know
whether it's true or not

HICKE We're just asking you for what you can tell us

MARGOLIS Yes, right So that's about the story as far as I know

HICKE You told us a lot In fact you've contributed an enormous amount
of information for the state archives history

MARGOLIS Well, I hope so

HICKE And I know there's lots more, but I think that we've maybe covered
the major highlights So I would like to thank you very much for
the time that you've given us

MARGOLIS Well, I've enjoyed it as a matter of fact You're a good interviewer

HICKE Thank you

[End Tape 19, Side B]

[Session 9, May 23, 1989]

[Begin Tape 20, Side A]

- HICKE One of the things that we want to go back and do today is to cover some of the events that happened in the sixties that we haven't discussed. Maybe we could start with the so-called Lockup.
- MARGOLIS There was a lot going on, and of course much of it has been written about, both in [James] Mills and in Lou Cannon's *Ronnie and Jessie*. I'll try to concentrate on some of the things just from my special perspective.
- HICKE Good. And I would like to know what you were doing at the time too, if you were there.
- MARGOLIS Yes. Well, I was very much there. That was a period when I was intensely involved. I was the chief assistant to the speaker, and my office was adjacent to his. I had total access to the chambers and the assembly, and I was closely involved with Jesse Unruh when this was all going on.
- The background was that Unruh had a lot of momentum. He was upward bound and he was succeeding in most of the things that he was doing. He had gotten himself embattled on a number of fronts with a lot of different players in the political game. But before I forget, the point is that the assembly was very much under his control. He was the undisputed leader. He had good working relations with the minority. He appeared to have solid support from the majority caucus. And he had no reason to expect any kind of a rebellion in the assembly.
- HICKE This was 1962?

MARGOLIS I thought '63, but it might have been as early as '62 [July 1963] I thought it was 1963, but I'm not sure. I don't have that clear a recollection of dates. So he had no reason to expect any kind of rebellion.

He was engaged in a lot of conflict all the way around. One of the fronts was the long standing struggle with the governor, which was a personality struggle, Unruh being a very highly focused and decisive player and [Pat] Brown being very diffuse and indecisive. So it was a personality struggle. It was also an institutional struggle, because Unruh was engaged in trying to achieve autonomy or parity at least for the assembly and for the legislature in relation to the executive branch. Previously, the legislature had been substantially dominated by the executive branch, and the effect of the progressive reforms of the 1900-1910 era had fairly well diminished the powers of the legislature and increased the powers of the executive over the legislature. He was attempting to get a redress of that balance. So that was the executive branch battle that he was waging.

He was also waging a battle against the senate, because the assembly had been decidedly lower ranking than the senate. The senate even in the jargon is referred to as the upper house and [the assembly is] the lower house, which I think had to do with the physical geography of Independence Hall, not a position of authority.

HICKE Is that right?

MARGOLIS I think so. I think the senate met upstairs and the house of representatives downstairs, but I'm not sure of that. I think that's true and I think I remember that from being at Independence Hall.

HICKE That has a lot of implications for the rest of history, doesn't it?

MARGOLIS Oh, yes. And in practice the senate, being a cooler body, a more confident body, a smaller body and easier to organize and easier to work in, had greater authority and achieved a position of greater influence in the legislature than the assembly, which is the

steamer, shorter termed, more apparently ambitious members struggling for recognition. Unruh's insistence was that the assembly had the same constitutional authority as the senate, and it took two houses to pass legislation, and they were mirror images of one another in many respects, certainly in terms of authority if not in numbers and other measures. But he was engaged in a battle with the senate and it had to do with things that we talked about earlier, for example, when the senate chose to ignore assembly bills then he would block action on senate bills until they got back to work on assembly bills.

But he also was doing battle with them on matters of policy where the senate had had a historical role, or at least a short history, of dominating legislation in some fields. Unruh felt that these were fields that were important to the state and to the whole political enterprise, and so he didn't want to recognize the senate dominion over those issues.

One area in particular, the area that was involved when this lockup problem broke out, was that of educational finance. Historically, education and educational finance were a senate domain, at least insofar as George Miller, the very powerful senator from Contra Costa County, was concerned. He had been chairman of the Senate Finance Committee, a very powerful position in the senate, and had made educational finance his domain, in fact all of education.

But before I get onto the educational finance bill that was the subject of this dispute, I'm explaining that these are fronts on which Unruh was doing battle. So here we had the executive branch, we had the assembly vis a vis the senate, and we had the party political thing, which was the battle with the CDC which we have gone into at great length.

HICKE

I was just going to ask about that.

MARGOLIS

He also had a bit of a struggle going on with the federal government in that the whole notion of strengthening the

legislature was part and parcel of strengthening the state government in the federal system. Unruh had many disagreements with congress over the thrust of federal legislation which often favored other regions of the country or provided for a role in matters in public activity that historically had belonged to the state government.

HICKE

Some examples?

MARGOLIS

Yes. On favoring other regions because of the way Congress is constructed and the effects of seniority and the fact that the northeastern part of the country historically had been the dominant one of population and representation and longevity in Congress, housing legislation tended to be responsive to problems affecting the northeastern United States. Federal housing legislation concentrated on urban renewal, whereas in the West the problem was shortage of new housing, not the renewal of old housing. Most housing in California wasn't old enough to require renewal, and yet most of the benefits in legislation were designed to solve those problems of the East at the expense of California and the West. So Unruh was concerned about problems like that, where the West or California was not getting parity in finance from federal legislation.

The other was that whenever you attempted to reform anything at the state level, you always ran into federal guidelines, regulations, details, that had been built into legislation by congressmen who were more attuned to being members of city councils or school boards and were not national policy makers. This whole topic is the subject of an article listed in my resume that appeared in *Publius*, published by Temple University.¹ It was an organ of an institute located at Temple University and headed by professor Daniel Elezar, which studied the role of local

1 Larry Margolis, Issues of Fiscal Federalism Are Too Important to Be Decided by the National Government Alone, *Publius* 6, no. 4 (Fall 1976), pp. 161-167.

government and federalism. This was an article about Congress's proclivity to legislate on narrow issues. It emanated from a debate that I fell into one night with Congressman [John] Brademas of Indiana at a seminar on federalism at the Smithsonian Institution. *Publius* published a symposium on that debate and my remarks and his remarks were pitted against each other.

The point I'm getting at here is that although this is an issue in which I became much more interested after I left California and began to work with legislatures all over the country, it was one of the fronts on which Unruh was doing battle and therefore part of the background that led to the Lockup.

In retrospect, I think that where the federal system has gone wrong is that in the design of the government of the United States, the founders visualized Congress as the policy branch of the national government and not the managers of the details of all government programs countrywide. And as the policy makers for the federal government, the concern with foreign policy and with the national economy are appropriate, but Congress finds these matters very difficult to deal with. Congressmen, having so typically come up the political ladder of school board, city council, board of supervisors, state legislators, and on up, have a much greater familiarity with the details of administering programs rather than the broad outlines of policy. So they feel more comfortable in dealing with the details.

The other thing is that there's real political power, that is to say electoral power, involved in the details of legislation, so that you can win disputes with other political organizations when you write the guidelines as to how the bacon is going to be delivered. Congress never wants to let go of those things. The rational organization of government by appropriate levels requires that you let go of a certain kind of power, the power of immediacy, the power of doing your enemy in, the power of advancing and favoring your friends or lining your own pockets. Those are all let

- MARGOLIS go in return for the power to set the broad outlines and the major policies
- HICKE Theoretically
- MARGOLIS But those are ambiguous and not as juicy to sink your teeth into
- HICKE Does oversight come into it too somewhere? They have to concern themselves with some of the details?
- MARGOLIS Well, I think that if there were a stronger system of oversight, there probably would be less concern with writing in the details, but those are tradeoffs
- HICKE Let me ask you just one more thing Did the California congresspeople support the speaker in his struggles?
- MARGOLIS Well, they were ambivalent toward him On the one hand, being in control of the legislature which controls reapportionment which controls the shapes of their electoral districts, they were responsive and responsive, but on the matters of policy, they wanted to do this detailed legislating and they didn't want to brook any interference from upstart state legislators
- HICKE How about the other one, where California wasn't getting its
- MARGOLIS Well, he had some effect on members of the California delegation I can't recall specifically any evidence of this But that was a ground on which they had no reason not to support him The California delegation was generally outnumbered in those days They were not unfriendly toward that view, but they were otherwise preoccupied Most of it got shunted aside in exchange for the opportunity to check all the details of the legislation
- Now this problem of a struggle with the federal government didn't have as big an effect as, say, his struggle with the senate, his struggle with the executive branch, the intraparty struggle in California Those were the more important ones The federal one was comparatively minor
- HICKE This comes down to the problem of the struggle against the opposite party, doesn't it? The Lockup?
- MARGOLIS Yes

HICKE

And was he involved in that struggle also, or is that what we're coming to?

MARGOLIS

What I said about that is that he had no reason to suspect a rebellion. He had good working relations with minority party members. The pattern of intraparty arrangements up to this point was that typically and historically the majority party shared power with the minority party, but to a limited extent. Choice assignments on committees of the assembly and committee chairmanships were some of the very few pieces of patronage available for distribution in the assembly.

At one point there were twenty-six committees in the assembly. In a wave of reform they had been reduced down to about twenty-one or twenty-two at one point, which is the lowest it could be gotten, at least with those efforts. But out of those, some four or five chairmanships were awarded to minority party members. The reason is that it takes a two-thirds vote to pass the serious legislation and very rarely has the majority party had a two-thirds majority in membership. So the pattern in California was to share power and appoint minority party members to a few committee chairmanships.

During Unruh's speakership there were four or five Republican committee chairpersons, and his requirement, his method of making that concession was that he asked in return for three things: that the person appointed vote for him as speaker number two, that they vote to protect the committee system, that is to say, they vote against movements on the floor to withdraw bills from committee over the objection of the committee, and that's sort of self-explanatory: if they're going to chair a committee they should support the integrity of the committee system and not allow withdrawals, and the third thing was to vote on final passage of the budget, to vote on enactment of the budget, on the grounds that the reason you have them at all is because of the two-thirds requirement to pass the budget. The budget's the most important

document of legislation in the state, and you have to be able to pass the budget. I mean, you can't operate without a budget and you have to be able to pass it, and if you need the two-thirds vote in order to pass it then you have to have some Republican support.

Those were the three things that he had required as commitments on the part of Republican members he was considering appointing as chairpersons. And he had those commitments from the four Republican chairmen who were then incumbents at the time this happened. Let's see, who were they?

HICKE [Assemblyman Carl A.] Ike Britschgi

MARGOLIS Yes. Britschgi was one, with Agriculture, wasn't he? And [Assemblyman] Milton Marks was chairman of the Government Organization Committee, I believe.

HICKE [Assemblyman] Alan [G.] Pattee and [Assemblyman] Frank [P.] Belotti.

MARGOLIS Oh, yes. Frank Belotti was chairman of Livestock and Dairies and Alan Pattee was chairman of Agriculture. So what would that have made Britschgi? I don't know. I don't remember what he was chairman of.¹

HICKE Well, we've got that. I can find that. I don't think it's in here.

MARGOLIS So toward the end of the session there were two major items of legislation remaining. The budget was one. It had been through the conference committee and was on the floor for final enactment. At the same time a school finance bill had been negotiated between Unruh and Miller. I don't remember all the details, because I think that was the area where Ken Cory was the chief staff guy and he was working on that. At least it was others than I. I don't know the specific details of who did what.

The basic thrust was that Unruh had succeeded in getting more money into the bill for poorer school districts at the expense of more well-to-do school districts. He had also gotten more money into things like remedial reading or preschool activities, all

1 Britschgi was vice chairman of Ways and Means.

things that respond more to urban and minority concerns than the rural things that had gotten more protection, generally in the basic law because of the pre reapportionment senate dominance of legislative proceedings, or because it was sort of majoritarian and it was rural in its outlook rather than urban and minority oriented

So he had gotten some concessions and he felt that either Miller wasn't paying close attention or that he had simply outnegotiated him. He felt that he had a coup in the educational finance bill, but it wouldn't bear a lot of discussion, because other senators would get a look at it and say, "Hey, wait a minute." So he wanted it to be done quickly and without a lot of debate or discussion.

HICKE

And separate from the budget

MARGOLIS

And separate from the budget. As I say, he was clearly in charge, indisputably, of the assembly, and he was also tending to throw his weight around a little, being a little arrogant, drinking quite a lot. He said at a later time that he was also taking diet pills under the guidance, tutelage, prescription of [Dr. Seymour] Sy Farber, his close friend and medical advisor. I don't know if this is true, I didn't know it at the time. Farber was medical advisor to many political people, including me at one stage. He was very helpful to me with a problem I had with one of my children. Unruh says he was taking diet pills and drinking and the combination had a devastating effect. He holds that responsible for a lot of what happened. I don't know whether it was true or not. I know he was drinking a lot.

Whatever else was happening, I'm not clear about what gave rise to this sudden shift in mood in the Republican caucus, but the Republican members caucused. They may have won a special election, somewhere. What I'm thinking of here is the thesis that partisanship asserts itself most when the balance is changing between parties, at least in the legislative context. Perhaps some things had happened along those lines. I don't remember now.

what they were to give rise to a sudden feeling on the part of the minority that they were abused and that they were going to dig their heels in

The Republican party members caucused before the vote on the budget was due to come up and they decided that the way to dig their heels in was to refuse to vote on the budget until they saw the terms of the settlement in the education finance bill. I've talked to [Assemblyman William T.] Bill Bagley about this. He was one of the members of the minority party who was a leader in bringing this about. Bob Monagan was another. Don Mulford was Republican caucus chairman at the time. I don't think he was bright enough to figure out so complicated a play, but I think he may have lent his position to it.

They came up with a strategy of demanding to see the settlement. All they knew was that Unruh didn't want to reveal what the settlement on the school finance bill was and they suspected dire things. Whether they did or not, they saw it as an opportunity to demand that the terms of the settlement be revealed prior to their carrying out their commitment to vote for the budget.

So they made that demand. And of course, Unruh was stuck. At least he thought he was stuck, not able to accommodate them and thinking why the hell should he. He had these commitments in his pocket of enough votes to pass the budget, so why should he accommodate this demand and take the risk of undoing the negotiated package on the school finance bill? And as the day wore on, he drank more and more and so he was not thinking too clearly. But he couldn't believe that the commitment to vote for the final passage of the budget, and this was final passage, would not be honored by those four members.

He therefore dug *his* heels in too and refused, saying that the item on the floor was the budget and that that was to be taken up

MARGOLIS and that the school finance bill would be taken up next, after the budget was passed. The Republicans refused to vote.

This impasse stretched out through morning, through afternoon, through late afternoon, and toward early evening there was a call of the house on the passage of the budget bill, and there were not enough votes to pass *or* defeat the budget.

[End Tape 20, Side A]

[Begin Tape 20, Side B]

MARGOLIS There was a call of the house for enactment of the budget and there weren't enough votes to pass or defeat the budget. So various recesses and caucuses were called. Both parties caucused independently and with one another, and they tried to figure out what to do. Of course, the Democrats had never been challenged, at least not in recent memory, on a legislative matter. They always had so many votes. They were quite the dominant party but never quite the two-thirds majority. So there was truculence at the beginning in the caucus. But Unruh had the support of the Democratic caucus to remain firm, not open up the education bill. He explained why he thought it would be dangerous to reveal the contents of the school finance bill prior to voting on the budget.

HICKE So all the Democrats knew that then?

MARGOLIS They knew that, yes. And I think he told Republicans individually what the reason was. At some point he got stretched out enough to have to do so. My recollection is that he talked to some of them and told them individually. But by this time, they had themselves an issue. They had him by the throat and they knew they did. They could tell from the kind of press that they were starting to get that they did, so they weren't going to let go anyway. It didn't make any difference what the reason was. They were going to keep that posture.

HICKE Let me just ask, the press was clearly quite involved in all this?

MARGOLIS Oh, yes. They were on the floor.

- HICKE And that may even have been a crucial issue in the fact that
- MARGOLIS Oh, indeed If there had been no press there would have been no reason to do any of this, either way
- HICKE I guess they were crucial then
- MARGOLIS The only way it would work for either side was in terms of the press reaction
- HICKE So it was a public relations action
- MARGOLIS The Democrats were banking on the press conveying the refusal of the Republicans to vote, which is rather a breach of the obligations of membership in the legislature The Republicans were counting on the press to treat Unruh as a bully who was trying to force them to vote, and they were demanding to know the contents of the other bill They were taking the position that educational finance is such a big part of the state's total finance picture that you can't vote for the budget without knowing what the other was about They were counting on press support, and they got it
- In fact, they got more than that When Unruh invoked the call of the house he said that the members were required to vote one way or the other they had to vote for or against the budget before they could leave the chamber When a call of the house is invoked, the doors are locked, the members are required to stay there until a vote is up or down, until a bill passes or fails, and absent members are searched out and arrested by the sergeant at arms and brought to the chamber to vote This is the way the rules work
- HICKE Is there any normal time period that they give to bring people in? Or they just stay there until they get the vote?
- MARGOLIS Yes, until they get it, right And it's not unusual The call of the house is put on all of the time There may be two or three members in their offices or elsewhere The sergeants go get them, bring them in, they vote the call is lifted There have been calls of the house that have lasted a long time On one occasion a member was out of town He was the deciding vote, and his airplane was

late getting back. We waited and waited and waited. He finally arrived at midnight, they voted, and that ended the matter. Those are not unusual events in the legislature.

So the call of the house was on, and it was approaching dinner time. Unruh said that he would give a pass to leave, to go have dinner or whatever, to anybody who had cast his vote. Now what Unruh was counting on was that if the vote was cast, and the rules require that the vote be cast, then those four Republicans would have to vote for the budget and that would pass the budget. They were just as determined not to have it come to the point of having to vote, because they didn't want to violate their commitment, but on the other hand they didn't want to break their caucus position. And so Unruh was issuing passes to Democrats only because the Republicans had, to a man, not voted. It's not that most of them voted *against* and then waited for the others who were otherwise committed to vote *for*. The caucus position was that no member of the Republican party would vote up or down on the budget.

HICKE

That's a lot of strength gathered together there then.

MARGOLIS

Right. And it was a unit rule of the Republican caucus. When Unruh said that anybody who had cast his vote could leave the chamber with permission, and he would sign a pass which would let them out, then he was giving them only to Democrats because the Democrats were the only ones who had voted.

The Republicans succeeded in getting the impression abroad, and the press accommodated to say, that Unruh was demanding that they vote *for* the budget, and that he was bullying them, twisting arms and demanding and not letting them out, because they wouldn't vote *for* the budget, rather than that they wouldn't vote one way or the other as the rules require.

HICKE

There is a difference.

MARGOLIS

And as a matter of fact, the way the rules read, a member who refuses to vote can be compelled to vote. And the way the procedure is outlined in the rules is that on the majority vote of the

body, which the Democrats would clearly have mustered, the member refusing to vote can be brought before the chamber and required to explain his reason for not voting. If his reason is not satisfactory to the majority of the members of the assembly, he can be expelled from the legislature. Expelled! Not suspended, but expelled! By a majority vote.

Unruh came within a hair of invoking that requirement. And in retrospect maybe he should have. I don't know. If he had expelled one member, I think maybe the resistance would have collapsed, I don't know. There was long and serious discussion among the Democratic leadership as to whether to do that or not. And there were two opinions. There was the Tom Bane faction, which was the hard line faction.

HICKE

They said he should invoke that?

MARGOLIS

Yes. Then there was the Jerry Waldie, Bob Crown group who thought that was too hard line and that the Democrats should back off and back down and to hell with the school finance bill.

HICKE

And the speaker had the final decision.

MARGOLIS

And he was betwixt and between. So some of this time he was over at the El Mirador Hotel having dinner, as was I. I was at his table part of the time. I don't remember the same people being there as Jim Mills remembers. My memory and recollection isn't that clear. I'm not disputing his account, but I just don't remember it being that cast of characters.

HICKE

Who do you recall?

MARGOLIS

Well, I recall that at the table were Bob Crown and Tom Bane. Jerry Waldie came in and out. There was constant travel between the assembly chamber and the El Mirador dining room. Members were carrying messages, somebody talked to so and so, so and so said such and such, or they got a call from their district and the press is saying thus and so. Somebody was going back and forth all the time.

During all this time, Unruh was drinking gin or vodka on the rocks, by the quart. He was just getting drunker and drunker. He seemed not to care what was happening and he had kind of given up, lost the feeling of being in control, and didn't know what to do really. He was caught between these two positions.

At one point, he stood at the rostrum. He had gone back after having dinner, and as he stood at the rostrum he was kind of weaving, and he was looking at Alan Pattee and Ike Britschgi trying to decide which one to call before the bar of the assembly. I could see the wheels spinning in his head, thinking about which one was he going to put up there first. In the process something happened. I don't know whether somebody, Crown or Waldie or somebody talked to him, but he slid off the point and he turned the chair over to somebody else. He decided that he was not in condition to conduct the proceedings, and put somebody else up there, Speaker pro tem Carlos Bee or somebody else.

HICKE Would you say that any decision at that point would have been better than none?

MARGOLIS Wait a minute. There are some things that happened just before that though. I got a little ahead of myself. At the dinner, an event that Mills portrays I think inaccurately was that Tom Bane wrote out a resignation on a napkin. It was his resignation as chairman of the Rules Committee. He gave it to Unruh, and Unruh refused to take it. This was while he was still at the El Mirador having dinner. I think I wound up with the note. It may be in the papers that I turned over to the state archives. I'm not certain. I think for some time I had that note. Unruh refused to accept Bane's resignation. I think that Mills reports that he burned it in an ashtray.

HICKE Mills says that Unruh wrote *his* resignation and handed it to him [Mills], and then Bob Crown grabbed it and burned it.

MARGOLIS Well, that could have happened at a time I wasn't there, because I did a certain amount of this traveling back and forth.

HICKE But I don't think he talks about Tom Bane writing his

MARGOLIS Well, Bane did I think that the napkin is in the papers that I turned over to the archives, at least I think I had it for some time after that event I don't remember I wasn't present if Unruh wrote a resignation I'm not aware of that

HICKE It sounds like the same story, only he moved it to Unruh instead of Bane

MARGOLIS Yes, perhaps so Or it may have been during the period I wasn't there and that this happened too I don't know There were a lot of resignations being written [Laughter] Bill Bagley was one of the real cut ups of the legislature, and Unruh once chided him for not giving him a commitment on the speakership So Bagley wrote a commitment on the sleeve of his shirt and then tore it right out of the shoulder and gave it to Unruh [Laughter]

A side bar was that Tom Bane, who was then a Mormon, held me responsible for the amount that Unruh drank He thought I was encouraging him to drink, goading him to drink This is absolutely not true I didn't like the effect that all that drinking was having on him, and I thought he was relying on it far too much, and I wished that he didn't I had as much trouble getting his attention or getting him to focus on things when he was drunk as everybody else did It didn't help me out any for him to be blasted

Years later I was a candidate for the position of state auditor general That's the legislative auditor I had come out from Colorado where I was living and the committee was meeting on the selection I had been selected by the blue ribbon commission as the number one candidate That commission submitted its top three selections to the Joint Legislative Audit Committee Tom Bane was a member of that committee, because Bane was now again in the legislature He was out for a while after he ran for Congress unsuccessfully But he was back in the legislature

I said, 'Tom, I hope I have your support ' And he said, "No, I'm going to vote against you " And I said, "Why is that, Tom?" And he said, 'Well, it was something you did back then,' meaning

in these days that we're talking about now. I said, 'What was it, Tom?' And he said, "I don't remember, but all I know was that I got mad at you for it." He voted against me. And what I remember was that he thought I was responsible for Unruh's drinking. I think he may have remembered that too, because I don't think Tom Bane forgets anything. But I think he thought it would be embarrassing to say at this late date that I was or anybody could have been responsible other than Unruh for Unruh's drinking. But he held me responsible for that.

Now, the question of what the right decision was at the time is very hard to know. What actually was happening was a far cry from what was reported by the press. The press reported it totally as a power play by Unruh to force the Republicans to vote for the budget, without any understanding of the commitment that those four members had to vote for the budget, without any appreciation of the fact that all he was asking was *that* they vote, not *how* they voted. The press totally ignored the requirement in the rules—it's an extremely serious requirement that a member of the legislature vote. In the final analysis, the main purpose of their being there in the legislature is to vote. To fail to do that is in terms of legislative obligations and responsibilities a high crime. But there was no appreciation of Unruh saying that

HICKE

Were you observing the Republicans' press conferences at all?

MARGOLIS

I was observing everything that was going on there that was open. The caucuses were not open. I couldn't go to the Republican caucus. I could go to the Democratic caucus. And there were some

Late that night there was a Democratic caucus. Unruh was so drunk that some members doubted he could function at all. Waldie was taking the lead in proposing a compromise to show the Republicans the terms of the school finance bill and get the thing over with. In other words, cave in. Unruh came back from the El Mirador really blasted but he nevertheless took control of the

situation. He let it get quite a ways along where the members were saying, "OK, let's do it." And then he stepped forward. He had been standing in the back of the room listening and watching. He let it go quite a ways. And then he stepped forward.

This was a tactic he frequently used. One of the ways that he maintained the control that he had was to let people start to oppose him and then just clobber them, just pound them to pieces. He did that on this occasion and there was no gainsaying him. Even people who wished the thing was over and wished they could vote to retreat would not vote against him. They just wouldn't. He was such a powerful personality and they had been with him so long and he was right on so many previous occasions that they wouldn't do it.

It also demonstrates something else about him, the enormous power of personality and capability that he had that, where others would be dead drunk and sound asleep, he could function at a level that was not the maximum of his capability, but at the maximum of most other people's capability. It was an overpowering demonstration of that fact. Here, he knocked down and really embarrassed Waldie, who was his majority leader. Waldie had to back down, because Waldie was not going to go to the mat with Unruh, his close and dear friend. I think they were even roommates at that time.

HICKE And Unruh clearly commanded an enormous amount of respect from everybody, regardless of whatever failings he had along

MARGOLIS Yes. And so the thing was left. I don't even have a clear recollection of how it was untangled. I think it was the next morning that cooler heads prevailed, and Crown and Waldie got Unruh to agree to back off. I've forgotten. But in the final analysis, the Republicans felt they had gotten all they could get out of it. They had pictures in the newspapers of cots being brought into the assembly, and playing poker in the assembly chamber. And they won that battle. It was a clear victory for them.

My own feeling during the time was that I was moved step by step in the same direction Unruh was. It caught me totally by surprise that the Republicans could dig in and have that much discipline or control over their members as to have those four people to violate their commitments, their oaths. And they threatened them, threatened their own next election campaigns. I thought that the power moves Unruh made were the right ones, and I was even emotionally committed to the view that he should move somebody up to the front and invoke the rules. I think now that would have made an even bigger disaster out of it, given the unanimity of the press against what he was doing and against him.

I think the Lockup cost Unruh dearly. I think it conceivably cost him the governorship. He may not have had a real shot at the governorship anyway. But he might have been more inclined to run in '66 as I had advised him to do. He didn't feel then that he had the capability of doing so. His reasons were more personal than political, in that he felt that his family situation was against it and his own head wasn't clear enough. But I think this was part of why his head wasn't clear enough. I think he might have had a better chance at being governor if this had not happened and he had run in '66 against Pat Brown, when Pat Brown violated his oath not to run for a third term.

HICKE: It almost sounds as if though the forces that you have described shaping up, if this hadn't happened, something else would have, something similar.

MARGOLIS: Well, you don't know.

HICKE: Yes, just speculation. Up until this point he had been getting along with the Republicans, but as you said, for some reason we don't know what they dug in their heels, and they might have done that on some other occasion too.

MARGOLIS: Yes. But it may not have been as damaging or he may not have been in the same physical condition. So you don't know what the effect might have been.

I talked to Unruh either the next day or the day after that. The next day he may have been totally out of communication and sleeping, sobering up. But whenever I talked to him, he had had twelve hours of sleep and was refreshed but very down in spirits and very much like somebody who had tried to commit suicide unsuccessfully. He was remorseful, he was down on himself, he decided that his career was over, that he was going to have to find something else to do. There was kind of a resignation in it. He just acted wiped out and without a whole lot of feeling about it.

HICKE: Aside from drinking too much, what did he think he had done wrong?

MARGOLIS: Well, he didn't go into it much. My hunch is that he felt that he probably should have spotted what was happening and not dug his heels in.

HICKE: Back down much earlier.

MARGOLIS: Yes. And the one big hole that I can see in what happened was lack of communication with the Republican caucus.

HICKE: Yes.

MARGOLIS: But that was because it wasn't thought to be necessary. And that can always get you in trouble.

HICKE: Yes. It sounds like with the intervention of the media, there was a certain amount of inevitability, almost.

MARGOLIS: Maybe so. And that might be the case. I find it difficult to believe that there aren't ways to figure out a course of action if you know what's coming. If you can discern what's happening, then there are ways to deal with it.

HICKE: More alertness and more communication.

MARGOLIS: Yes. At least to know not to take a stand like that if you know that there's that kind of vigor and determination in the Republican caucus. It takes a kind of arrogance to think that nobody can ever organize against you. But this is all retrospection.

But at the time, I'm saying that I thought he took the right steps. I tended to think the hard line was the right line. I would

have liked to have subtracted the drunkenness, and having done that he might not have gone the line that I was tending to agree with. He might have been wiser than to do so.

Anyway, he then took off on a trip to Asia with Dr. Farber and his friend, Manning Post. He was gone for three months making speeches. He had a USIA [United States Information Agency] commission to meet with universities and others in the Philippines and Indonesia and Indochina and traveled for six weeks or so. He started his diet, through which he lost eighty nine pounds, and he began to reshape his image.

HICKE: That's another thing that I wanted to get you to talk a little bit about. The reports say that he did away with the so-called "Big Daddy" image.

MARGOLIS: Well, he certainly tried to. He had a hard time doing away with it, because some elements of the press and the minority party and others would never let him, really. But I think while he was on this trip, he started a diet and he lost eighty nine pounds.

Soon after he got back, and after he had lost this weight and had all new clothes made, he was on a speaking tour and he was in either Bakersfield or Fresno. I've forgotten which. Somebody was heckling him in the audience. It was a man of very small and slight build. And he pointed to him and he said, 'Listen, you, I've lost more than you are.'

HICKE: Very good. He really could come out with those one liners, couldn't he?

MARGOLIS: Well, at the apex of his power there had been a *Life* magazine team assigned to follow him and then a big spread was done on him in *Life*. And this also was part of his undoing, all of this media attention. But they took a picture of him and this is really shoddy, standing next to the smallest man in the assembly, next to his desk. It was [Assemblyman] Howard [J.] Thelin, an attorney who was rather a small.

[End Tape 20, Side B]

[Begin Tape 21 Side A]

MARGOLIS This was the *Life* magazine team that was covering him, a photographer and a writer They followed him around for days And this was at the apex of his power, his domination of the legislature, of the assembly They took a picture of him standing next to Howard Thelin, the smallest man in the assembly Thelin was seated at his assembly desk, and Unruh was standing in the aisle next to him, talking to him The way they took the picture, the angle, they shot from low and from close, and with the combination of his being in front and therefore much larger whether he was larger or not he would have looked larger and the parallax effect of the lense acted like the funny mirrors in the carnival, so it made him look two or three times as big as he was against Thelin, who looked even smaller than he was This was the cover picture of the story about how big Unruh is in wielding his power and twisting arms in the assembly

When he started this speaking tour, and I think it must have been Fresno where his first speech was, the *Life* magazine article had come out about a month before So he had already lost his weight when the magazine article came out, but it had been prepared long before Everybody was aware of the magazine It had made the rounds *Life* was a very popular magazine in those days It s funny you have to explain that, isn t it? [Laughter]

HICKE You think of it as a part of life

MARGOLIS Unruh s opening line was, "Well here I am, half as big as *Life* " [Laughter]

HICKE That s marvelous He had an ability to laugh at himself also

MARGOLIS Yes Well, that also touches on a quality which has been a matter of a lot of concern and interest to me I once said, and I think I was quoted in Cannon sounds like canon law [Laughter] that Unruh had what I described as a blazing honesty Now it s been widely misinterpreted as to what I meant, including by Unruh

himself, and I know this for a fact. What I meant by that was that Unruh had a capacity to look facts in the face, which is another thing that makes that Lockup so hard to understand unless you attribute it to the drinking and the pills or whatever. Because he had a capacity to look facts in the face, including his own shortcomings, and not blink, not be deterred from seeing things as they really are, and most often of saying so, not dissimulating and not pretending and not lying.

HICKE

Not passing the buck to somebody else.

MARGOLIS

Yes. That kind of honesty, the ability to look facts in the face, see what they are, and most of the time say what they are, I would call honesty. It's not necessarily the honesty of integrity, ethics, but it's a kind of honesty that is painful for most people. They can't bring themselves to do it. He wouldn't always act honorably about it, but he wouldn't pretend that it was something else.

HICKE

Do you have some example in mind?

MARGOLIS

Well, I don't know.

HICKE

That's kind of a hard thing to put your finger on, I suppose.

MARGOLIS

When Unruh started to be active in national legislative organizations, we were at a meeting of the National Legislative Leaders Conference. The president of the organization was the then speaker of the Maryland House of Delegates, the Honorable A. Gordon Boone.

This was an informal discussion at a meeting. A number of presiding officers and majority and minority leaders were at this cocktail party, and there was general *schmoosing*.¹ He was talking with the speaker about staffing in the legislature and particularly staffing the members' offices. Speaker Boone had said that he wouldn't allow anybody in his office but his own son. He didn't want anybody in his office to see what deals he was making. Unruh said, "Well you know, my feeling about that is that it's good to have bright, young staffers around because they help keep you honest."

1 Means having a friendly, gossipy, prolonged, heart to heart talk.

They help prevent you from following temptation, doing things that you might not want to have see the light of day, and it sort of protects you against doing things that are going to get you in trouble " And characteristically, that speaker and his son both went to jail a few years later for the Chesapeake Bay Bridge scandal

Well, I don't know if that illuminates or illustrates the point or is the best example. I'm sure there are better examples, but they're hard to put your finger on, because they tend to be subtle and personal and fleeting things that reveal that kind of personality trait or quality. I thought that in his dealings with me, there was that kind of honesty. I don't mean to say that he necessarily went public with everything, when he looked unblinkingly at a situation. That's how I mean that he didn't necessarily act with integrity all the time.

HICKE

But he didn't fool himself

MARGOLIS

He didn't fool himself, and he didn't try to fool those that were close to him. This was the early Unruh, when I said that about him.

One day much more recently, when I was working for him in the state treasury, we were going somewhere and he was talking to someone and I could hear him saying. I was supposedly preoccupied with discussions with the group in front and he was walking behind and talking to a friend and I heard him say, 'Margolis accuses me or credits me with having a blazing honesty.' Then he laughed and snickered and so did the other guy. I don't remember who it was. It was as though he was engaged in some sort of skullduggery, something untowards, something illegal or immoral and was laughing over the fact that I claimed that he had this blazing honesty. He was as much as saying what a ridiculous thing this was.

That's why I say that even *he* didn't understand the sense in which I meant it, which didn't have to do with how he behaved. It had to do with how he saw things and his ability to see them clearly.

and not blink. So maybe there's a sense of the meaning of honesty which isn't the same as the meaning of integrity.

HICKE Well, did he actually change himself? What were the aftereffects of the

MARGOLIS I think he changed and I believe there's plenty of evidence that he changed quite a lot after 1970. The other people who were closest to him think that too.

HICKE You told me about that. I was thinking about after 1963, did he change?

MARGOLIS You mean as a result of the Lockup?

HICKE Yes.

MARGOLIS Oh, yes. He changed, but not so profoundly. What he changed was he paid more attention to how he was appearing to people. Prior to that, he acted as though it didn't make any difference how you looked or how you behaved, it had to do with what you did and whether you prevailed or not. That was his sort of thing.

After '63, he was conscious and concerned about his weight, his health. I think he reduced the amount of what he was drinking, for a long period of time he may even have stopped drinking altogether. He dieted, he exercised, he wore snappier, more stylish clothing, had his hair styled, and did all kinds of things. He paid a lot of attention to his public relations image, and he was less natural with people and more guarded, more on his toes, more concerned with how they regarded him.

Some of that fell apart later on when he started drinking again, and as his illness. I'm not laying it on his illness, but even before his illness was known, after he was treasurer and no longer regarded as having higher office ambitions. He started drinking again, and he was carrying on somewhat the way that he had before but without the upward momentum and vigor. In that period after '63, he started getting invitations like the Chubb Fellowship, national speaking engagements, and he became active in national organizations, such as the national legislative organizations. He

was much more of a public figure and much less of a natural gem in the rough that he had been in the period before that

He changed again after 1970 That s when I think he just cut the deal with the devil

HICKE

You told me something about that

MARGOLIS

I have no ability to prove this, but the more I think about it, the more I try to understand what happened to him and what the difference was in the 1980s I have a strong sense that he was involved with drugs in the later years, and well before his illness Some people say, Well, sure He had pain killers and tranquilizers once he was diagnosed with cancer I think it was well before that, two, three, four years before that And it may even have gone back before that, too

HICKE

That changed the behavior?

MARGOLIS

There was something to do with drugs I think that the nature of the hold that Elizabeth Whitney had on him was through drugs I don t know whether she was the channel through which they came I m not even sure that Grover McKean may not have been in that channel as either the supplier or perhaps one of the users I don t know I don t know who used I don t know who supplied I don t know where they came from or what or how they paid for them, but I believe in retrospect that there were drugs mixed up in any ultimate explanation of what was going on in the later years All I do know is that it was not the same

I had a hard time understanding the difference between the 1960s and the 1980s in my role in relation to him and the way he behaved I would either have to believe that he had been a totally different person and I had misread him, or he changed I was treating him as though he was the same as when I had left him and then found that that was not the case

Even on this business of openness I asked him something, I think it had to do with his health I m not sure and he said that he would tell me only those things that he felt I needed to

know This was not the way he related to me in the sixties when he would tell me anything, everything that there was about what he was doing, what he was thinking, what he was feeling, and so on The only way I can fathom any of that is that there was something subsurface going on

It may be that he was using drugs and I'm talking about recreationally, not medicinally that he was using them but had substantial control over the use of them He was able not to be detected using them But there is no other way to explain the aberrations of behavior that occurred I've learned a lot about people who it turns out after the fact were on drugs I couldn't understand what was going on, because I've always had the classical image of people on drugs being burnt out and beat and weird But it's not like that at all There are people who are sharp, clear, effective, and go wild for a little while and then go back to normal It takes you totally by surprise You think you're dealing with one person and you're dealing with somebody else

I've been around enough people who have used drugs now to know that the way it actually looks is a far cry from the standard image of what druggies are about And so I've begun to think this is pure speculation on my part the only explanation I can come up with for some of the things that don't add up otherwise is drugs

HICKE Well, let's go back to the sixties for a minute, the 1964 U.S. Senate race [Alan] Cranston and [Pierre] Salinger were in it, and I think Mosk was in it first and then there was a problem with him I don't know if you or Unruh were involved in any of that

MARGOLIS Oh yes

HICKE I mean I do know that you were, but

MARGOLIS We were rather considerably involved Well, what's there to say about it? Here's how I recall it It was the seat that Clair Engle had left, wasn't it?

HICKE I think that's right

MARGOLIS It must have been Clair Engle had cancer and left, and I think he hadn't died yet, but

[Interruption]

HICKE OK, we were just talking about Clair Engle

MARGOLIS Oh, yes So this was at the height of the battle between Unruh and the CDC Alan Cranston, president of the CDC, was moving toward running The question was, who else was going to run? Stanley Mosk was one of them Unruh has always been close to Stanley Mosk They had been friends and political allies for a long time [James] Jimmy Roosevelt, I think, was an early candidate or maybe a stalking horse for Cranston This was on the Democratic side

The CDC convention that year was held in Fresno Leading up to the convention, some dirt was being passed around about Stanley Mosk Somebody claimed to have pictures of him shacked up in a motel with a woman not his wife It turned out that [Donald] Don Bradley, who was Pat Brown's campaign manager, was the source of this information I think Mills covers this in his book Unruh was talking with Stanley Mosk at the time, urged him to go forward with the race, have a showdown He felt that Pat Brown was using his forces to undermine Mosk in order to support Cranston, and that Brown was the source of the dirt Unruh thought that was a particularly disgusting piece of behavior on the part of Pat Brown toward someone who had been a friend I mean he had appointed Mosk Let's see, did Pat Brown appoint Stanley Mosk? I don't know Perhaps Mosk was on the court before Brown was governor

HICKE He was attorney general at this time

MARGOLIS Oh, he was?

HICKE Yes He was appointed after

MARGOLIS That's right He was attorney general Pat Brown did appoint him to the supreme court, didn't he? I guess in a fit of guilty conscience over having done him in on the senate race Anyway, Stanley Mosk

wasn't willing to have the showdown, and he bowed out of the race. That put Unruh and his forces in a bit of a scramble to find a candidate, and that's when we landed on Pierre Salinger as the possibility and talked Pierre into running. Unruh had more to do with that than anybody else.

Jimmy Roosevelt's role was peculiar because he was the most popular candidate with the CDCers going into the CDC convention. He bowed out, and my impression at the time was that he had been a stalking horse for Alan Cranston and that he had never intended to run. We hoped he and Cranston would split the CDC vote and then Mosk or Pierre or somebody might have a chance of getting the endorsement because they'd be split. But I remember calling Frank Manciewicz and telling him that it turned out that Jimmy Roosevelt was in the tank all the time. And he said, "Oh, sure. But which tank are you talking about?" He's always in the tank." [Laughter]

About Stanley Mosk, I tell you this considering that some who read this some day may not have read all of their history. Do you know that he was executive secretary to Governor Culbert Olson in 1936? His entry into statewide politics was as executive secretary to the governor. He had been a legal secretary or something like that. Olson was the only Democratic governor in the twentieth century before Pat Brown. Culbert Olson served one term, 1939 to 1943. Stanley Mosk was his executive secretary. My first encounter with Mosk was when I was a student at UCLA and he was a judge of the superior court in Santa Monica. I was called for jury duty in his court. That would have been in about 1948 or 1949.

Pierre Salinger won the primary in 1964, as you know. Pat Brown was just vicious in his support for Alan Cranston. Then as soon as the election was over, he worked things out with Pierre one way or another. The effect was to cut Unruh out of the Salinger campaign after the primary. And whether that was Pierre's doing or Pat Brown's condition for support and Pierre accepted it, Unruh

MARGOLIS

was then cut out of the campaign altogether. And of course, as you know, Pierre lost the election to George Murphy.

During that time Clair Engle died, didn't he? That's what happened. After the primary but before the general, Pat appointed Pierre to fill the unexpired term. The voters didn't like that. They thought that was giving him an unfair advantage over George Murphy, who beat him in the election.

Unruh was always having those disappointments. Just think of the dynamics in that race where he thought Stanley Mosk was the most likely candidate to succeed, and they come out with these pictures, and Stanley pulls out against Unruh's strong urging! Unruh felt that there was no way they could go public with those pictures and that this was a veiled threat that couldn't be realized, and that Mosk should just balls it out with them and go for it, and that Stanley had a pretty good prospect at winning. So Unruh then would have a major chess piece in the political game against the CDC and Pat Brown. But then Stanley doesn't go.

So he scrambles and he finds Pierre Salinger. It turns out to be a brilliant stroke. He supports him and against all the odds he wins; he beats the CDC candidate. It was post-Kennedy nostalgia, sympathy, things like that that accounted for a lot of the support that Pierre got. He wins against all these odds, and then the thing is undone in a deal between Salinger and Brown, which cut Unruh out of the campaign.

This was always happening, partly because he would battle on so many fronts simultaneously. He didn't conserve his shot for the really big ones and sort out which battle to fight in what order. He was totally embattled. Of course, he was always trying for bigger things than were within his reach, and that tends to happen. But there were lots of those disappointments, and he got out of that a kind of fatalism.

We used to talk about that. I have difficulty expressing this because I don't fully understand what he meant or what all this

MARGOLIS means He had this feeling and he would identify me with him in this respect he thought of himself as an outsider, he thought of us as outsiders, and that we were gunning for things that were beyond our reach and that the establishment, so to speak, the rest of I don't know who "they" are, that's what my problem with this is They' were not going to let us have it, and it was us against them " "They' were going to stop us at all costs

Who is they'? I don't know The power brokers, the finance people, the successful operators in the system, the establishment I don't know exactly what he meant And also I don't know his definition of 'we " I know we were both children of the Depression We came from poor families, outsider families, families that were not in the mainstream, had no resources, no wealth We were scramblers, street fighters, people who didn't belong to the country club set, people who had to fight for everything we got, didn't have any helpers, no father who paved the way or set us up in business So I guess he meant children of the Depression, children of poverty, children of outsiders And arrayed against us

[End Tape 21, Side A]

[Begin Tape 21, Side B]

HICKE All of the forces

MARGOLIS Well, we were sort of children of poverty, children of the Depression, and arrayed against us were all of the forces of society, of establishment, of success, of wealth, of breeding, manners, schooling although we didn't have bad educations thanks to the G I Bill of Rights But he had this sense of being the outsider, the street fighter taking on the whole establishment And he counted me in that I never quite felt that way, but his feeling was that these things happen because they were arrayed against us and they weren't going to let us have it We were not going to get anything

easy We were going to have to fight, outsmart them, outgun them, outwork them, do all of those things to get anything

HICKE

Do you see a little bit of, well, maybe paranoia s a strong word, but what later developed into a sort of paranoia against even those like yourself who were very close to him before? It sounds like there s a little bit of a progression there Maybe it s not the same thing

MARGOLIS

Yes, perhaps so I don t know What I saw in it more was a kind of a Huey Long populism that explains how even though he was impatient and annoyed and frustrated and angry with labor often, he was nevertheless one of the more substantial labor votes the whole time he was in the assembly You could always appeal to him on behalf of the depressed, the poverty ridden, the minorities, people who didn t get a very good shake from the system Even when he was riding high or cutting big deals with Wall Street and the finance industry, you could always reach him or embarrass him or shame him into coming off of it with an appeal to those who have less than we do, or had started out life with less than he did It was a kind of populism, I think, that he honestly came by with the sort of family life he had and the way he grew up

But paranoia? No, I think that the Well, there might be a connection I told you once before that one of the big concerns I always had about him and one of the reasons I think I didn t share this view of it being us against everybody else, was that I thought what Unruh missed out on in his life and his upbringing and his education was what we call culture

A story he told me, which in reflection he may have been telling me about himself rather than Jerry Waldie, whom he was attributing it to, was this He and Jerry Waldie were rooming together This was around the time of the Lockup They were talking about what sort of mark they want to leave, how they want to affect the world A fairly rare kind of thing for Unruh to discuss because he was not reflective, he was not philosophical in the way he looked at things This was different, unusual He quoted

Waldie as saying that he didn't give a hoot about what happens after he's gone. He said, "When I go, it's all over. The world ceases to exist." Unruh was reporting it in amazement or astonishment. I think, because of other things, other subtle things, I think Unruh was the one who said it, not Waldie, and that he was displacing it by putting it on Waldie to see what I thought of it.

It is in that sense that I'm talking about his lacking culture. Any belief that you're part of a system that has a history and a future was missing. That comes, I think, from upbringing. And while I grew up in the same depression that he did and in a poor family, we were on welfare some of the time, there was nevertheless an inner sanctum of culture in our family, as broken as it was, in which civilization had meaning and in which there was a respect for the preciousness of learning and of life, and you don't escape those. It's part of your character, it's part of your belief system.

What worried me about Unruh was that he didn't seem to have that. It isn't that he was unappreciative of history or of future generations or disregarding or noncaring about any of these things, but it seemed that it was more an exercise of conscious decision rather than of necessity and character.

HICKE

He didn't really basically identify himself with such a tradition?

MARGOLIS

Right. And he could honestly believe that when he goes, it's all over. I mean, to hell with it. That's somebody else's problem. When the curtain rings down, the show is over.

In a somewhat different context, I said earlier that I was concerned about him in that respect, because I worried about what would be the consolations of age, and how would he remain interested in life and the world when he was out of the rat race, out of the struggle. How would he entertain himself, how would he keep engaged and involved and interested and concerned and alive? I think that what you referred to as paranoia was belief that outside of himself it doesn't exist.

HICKE Yes Well, to totally switch gears here, at the meeting last fall you told us this story about Lou Angelo and it was in connection with staffers campaigning, and I would love to get that on tape if you recall it

MARGOLIS Lou Angelo was one of the earliest of the Ford Foundation sponsored interns here He came here before I did He came here I think in 1957 or '58 Anyway, he was here as an intern, and then went from an intern to a staffer He worked for Bob Crown on the Elections and Reapportionment Committee when I came here

A district opened in Sacramento Let's see Do I even know whose district that was? It was the north side of Sacramento In the end Lou didn't run, but he started to prepare a campaign for running in the primary and then he pulled out But the guy that got elected was a postman who was a very charming, delightful man whom we all got to know and like He only served one term or a little more, then died suddenly I can't remember his name now [Assemblyman W A Hicks] He had been a postman He was succeeded in turn by [Assemblyman Walter W] Walt Powers, who held the seat for quite a long time So who would have been in that office before? The assemblymen from this area were [Assemblyman Edwin] Ed Z berg, who was the south area [Assemblyman Thomas J] MacBride That's right It must have been the MacBride seat, because Tom MacBride had been in the assembly and he was appointed to a superior court judgeship

Lou got interested in running himself a little later At this time we're talking about the 1961-62 period He got mixed up in someone else's primary race I think the purpose was to build some support so he, in turn, could run at a succeeding election I don't think it was a matter of his running, but he mixed into the campaign I think he did a mailing for one of the candidates I don't remember who I think it was against the candidate who prevailed who I described as the postman

Lou, having worked on the losing side of that race, left the guy who won very unhappy with him and demanding that something be done about that this fact. At that time, staffers weren't supposed to be mixed up in campaigns, and he had gotten a little bit ahead of himself, or outside of his role. There was a lot of anger with his doing that, and as I say, it not only nearly cost him his job, because of the pressure that a surviving member who he opposed could bring to bear on the chairman of the committee that he worked for, but it also nearly cost us the internship program altogether. It made staffing the legislature harder because of the fear that staff people would run against incumbent members.

[Having asked Lou Angelo to refresh my memory of the events, I can tell you this. Thomas J. MacBride had been in the assembly representing one of the Sacramento districts. He had chaired the Assembly Ways and Means Committee prior to Jesse Unruh's chairmanship. MacBride was appointed to a judgeship (federal, I think), where he still serves, leaving a vacancy in the assembly district. This was in 1960. A special election was being held to fill the vacancy.

Since I arrived in Sacramento in late September 1960, much of this occurred before I got here.

The candidates for the Democratic nomination in the special election were Jimmy Hicks, who was subsequently elected, and [Robert] Bob Cook, who was the secretary in Bob Crown's office when Crown chaired the Elections and Reapportionment Committee. Lou Angelo was assigned to that committee as a Ford Foundation intern. Lou Angelo, Mel Coben,¹ and other excessively exuberant young Democrats worked in the campaign to help Bob Cook.

1 Melvin Coben was also a Ford Foundation intern from U.C. Santa Barbara. He is a prominent bankruptcy lawyer in Sacramento and a past board member of the California State Bar.

MARGOLIS

When Hicks was elected with strong local labor and Democratic party support, he and his supporters expressed their anger to the legislative leadership for permitting presumably nonpartisan staff to engage in a partisan election campaign. My recollection was that Unruh regarded all this as a threat to the development of legislative staffing, which was just beginning to gain support.

In 1962, Lou Angelo explored the possibility of his running for the assembly in his home town of Modesto, when Ralph Brown, the speaker, was appointed to the District Court of Appeals to clear the way for Unruh's election as speaker. The vacancy Brown left was scheduled to be filled by a special election in early 1962. Angelo had the support of labor and the official Democratic party, but he said he would run only if he had the endorsement of Democratic clubs (CDC) in the district.

Because he was characterized as a probable agent of Unruh's, he was denied that endorsement, which went to a Protestant minister named Charles Spencer, who became the Democratic candidate. He was a terrible candidate and lost the election to [Assemblyman] John Veneman, a moderate Republican, who became a very good friend of Unruh's and mine and who later was appointed undersecretary of the U.S. Department of Health, Education and Welfare.

Angelo never again tried for elective office and has remained in the steady employ of the legislature to this day. He is now the chief consultant to the Joint Legislative Committee on the California Wine Industry.]

One of the resistances to staffing the legislature was that you're going to have all these people who know all the inside secrets, and when we're not doing our job they are going to go out and run against us. This is still a major concern on the part of

* Mr. Margolis added the preceding bracketed material during his review of the draft transcript.

MARGOLIS

legislators who are resistant to modernization or strengthening or staffing the legislature. It's also typical of that speaker of Maryland, who wouldn't allow anybody but his own son in his office. When I told you this, I was really talking about the degree to which there was a feeling that the staff of the legislature had to be insulated against involvement in electoral politics and kept strictly away from it, because of this fear that staffers would get in there, reveal the secrets, and either help themselves to run or help some other candidate run against incumbents.

It hasn't quite worked out that way so much as that staffers, seeing how the thing works, believing they could do the same or better, finding openings, that is being aware of where the openings are to come. I don't think there has been that much of staffers taking on incumbent members directly, nor has it been so much of feeding information out to opponents. Within the framework that things have gotten more and more partisan, feeding out information is now viewed as an ordinary thing to do. You keep track of voting records and distribute them. But that's done through party machinery and party staffing.

An article earlier this week in the *Sacramento Bee* on the legislature points up the tremendous increase in former staffers who are now members. And we're now into the third generation, that is to say, where staffers of members who were themselves staffers are now running for office and getting elected. It's really more a matter of knowing where the openings are, where somebody's not going to run again, where their district is changing character and they're going to lose no matter who runs. The staffers have taken advantage of that kind of information and been able to move in and take advantage of opportunities, or have been sponsored by members leaving office. That has happened much more than any examples of outright staff disloyalty.

I still remain strongly opposed to the idea of the staff being as involved in electoral politics as they are on the grounds that it's a

MARGOLIS distraction from the real purpose of their being there and the reason for using tax funds to finance them, which is to work on policy matters. It is not because I'm concerned that staffers will become members. I don't think I care one way or the other about that. Staffing of the legislation is one place to draw people from, and I don't think it's any worse than a lot of other places to draw them from.

HICKE You're talking about while they're on the staff, campaigning while they're on the staff.

MARGOLIS Yes. It's campaigning while they're on the staff, which is what's wrong, I think. I think the practice should be discontinued, and as a matter of fact it has gotten much more heavy use in more recent years than it ever had during the time that I was there.

There was a very strong sense in the early days, in the early sixties, that staffers do not belong in political campaigns and should have nothing to do with them, whether it's to run on their own behalf or to work for somebody else. The main reason was that if you're on the staff, you have to work with whoever gets elected. If you have a personal stake in the outcome of the election, then you're going to have trouble if the other side wins. You're not going to be trusted by them; you can't work effectively with them, and you risk the very institution of professional staffing. So that was what that story was about.

HICKE OK. Well, I've got two more questions and I know you have to go. I think I'll throw them both out and you can choose.

MARGOLIS OK.

HICKE The first one is, do boards and commissions offer extra legislative protection for legislators? And second, you mentioned once that Unruh and Tom Bane developed the targeted mail advertising concept.

MARGOLIS Well, what boards and commissions? I don't understand.

HICKE Well, does passing decisions on, instead of being made by the legislature, to be made by boards and commissions, give them protection? Is that an escape, passing the buck?

MARGOLIS Well, I don't know. There's a lot to be said about that both ways. A lot of legislation that passes is ambiguous not because the legislature couldn't figure out what the specifics were but because there wasn't any agreement. And you wouldn't then be able to enact that program, or whatever it is. So it's creative ambiguity to leave things in suspense and then leave it to other processes and mechanisms to work out the jiggling, the fine adjustment, the fine tuning.

[Interruption]

HICKE OK, boards and commissions

MARGOLIS One of the reasons boards and commissions are created is to follow the issue more closely. I think in some periods there has been a tendency to delegate too much authority. There is a lot of court history on this subject of whether too much authority has been delegated to boards and commissions, or where the results represent an undue delegation of authority. Very often the rules and regulations are challenged on the grounds that they do not follow legislative intent. But it's a hairy area. What's the right amount of delegation and fine tuning, and how should that separation be made?

In a legislature more fully active and productive, I guess you could argue that if oversight were being done in a more effective manner, there would be less delegating and more finely tuned legislative draftsmanship, which would require less interpretation by rules and regulations. But on the other hand, sometimes that fine tuning in legislation is oppressive and really should have been left to experience to adjust.

I don't think there is any inherently right answer. I guess it's the question of why something is being done and whether or not that's the best way to do it. As good an argument could be made in

some circumstances for not fine tuning legislation but putting a truly active board or commission in place to do that. But then the legislature must exercise oversight over the work of the board or commission. The other way to go is to write better legislation in the first place and not have to have the rules and regulations and conduct oversight and see whether or not it's working. So it can be done either way. I don't think there's an inherently right position. Does that cover it?

[I realize in editing this that you could have meant an entirely different type of board or commission, such as the type often proposed to do reapportionment or set legislative salaries or to do those internal things which the legislature finds difficult or impossible to do. If that's what you meant, I can be much more definite. I don't like them. I do not believe politics should be taken out of the legislature and put somewhere presumably more efficient, somewhere else. I believe the way to handle those problems is to amend the constitution to limit the range of choices the legislators can make but leave the choice of which of a number of plans which meet the constitutional restrictions to be chosen by the legislature on a purely partisan basis.]

There are some matters like legislative salaries in which some kind of *advisory* commission can be helpful in providing cover for the legislature or in assisting the legislature to make a decision by narrowing the number of options. But these do not substitute for the legislature making the final decision.

Power goes with the agony of choice and the more that difficult to decide issues are removed from the legislature, the less important the legislature becomes.

I also believe there is a role for some kind of blue ribbon citizens commission to act as a watchdog over the legislature and to

MARGOLIS praise it when it works well and to criticize it when it doesn't, but that s a whole other subject]

HICKE Yes

MARGOLIS On the other matter, targeted mail, whether Tom Bane was involved is not as clear cut in my mind as that Unruh worked with people like [William] Bill Below, who is still a campaign consultant who specializes in computerized mailing lists Bill Below was one of the people [] Steve Smith was another I m talking about Steve Smith (west, as opposed to Steve Smith, east, the in law of the Kennedys), who is an attorney in Los Angeles, who was chief administrative officer of the Rules Committee for a time, worked on elections and reapportionment and other things He was involved Ken Cory and Ken Cory s ex brother in law, [William] Bill Butcher, who still runs a campaign mailing organization, was involved I think they all participated, contributed

When voters register they put down not only their name, address, party affiliation, but also their occupation on the registration form And whether you do it by computer or whether you do it by hand, you can get the list broken down by occupation And if you can target mail to people on the basis of what you can presume their biases are as a result of their occupations or locations or both, you can make the appeal much more direct and personal Having computers of course, speeds the process immeasurably And then you can do mailings in which you can slug in a line which says that you re for this, therefore, all fire fighters should be concerned about workers compensation and what I did was this " Well, you don t send that to the employers you send that to the fire fighters You send the employers something else about how you reduce their taxes

Before this was done very much the mailings were broadsides One mailing to everybody regardless of neighborhood or

* Mr Margolis added the preceding bracketed material during his review of the draft transcript

occupation. The use of mechanization of mailing lists permitted all kinds of things. You could do geographic separation. You could do households where there's one Democrat and one Republican, and you can figure they're more in the intermediate or moderate state, or where there are whole bunches of Democrats, and you could design other constraints. You could do occupational separation. Lots of different things. Unruh was quick to recognize this. One year we focused it on the election to the Los Angeles County Board of Supervisors and took control of the county board of supervisors simply with targeted mailing.

HICKE

When was this?

MARGOLIS

Oh, I don't know. It should have been about '64 or thereabouts.

But computerized mailing wasn't the whole proposition for Unruh. What it was with Unruh was that he was always casting around for an innovation, finding a way to break through, for finding a way to do it better than it's ever been done before, more technically precise. So whether it's the mailings, which made a big difference in his people taking control of certain party activity, or whether it was campaigning by the use of paid precinct workers as has been done in the Midwest or East forever, it was innovative and new for California. It resulted in reelecting Pat Brown to his second term, and it resulted in great anxiety on the part of the CDCers. They were less anxious about Pat Brown's reelection than they were anxious about the methods that Unruh used to accomplish that end.

These were innovations and they were typical and characteristic of his tendency to look at the situation that he finds himself in and find if there isn't a better way to do it, a more direct, a more precise, a more successful way of doing it. It was the same with amplifying or fully utilizing the powers of the treasurer's office. He just wasn't a case of a guy you drop into someplace and then he just stays there and does whatever it is he's assigned to do. He starts looking around the edges and saying why is this here, and

why is that there, and what could you do here that would be different, how can you break new ground? That was typical of him most of his life

Even in his later years in the treasurer's office with his reaction to the business of mergers and acquisitions and how they affect pension funds and what could be done to create a third force in the field of finance that would be a counterweight to undermining the value of holdings of pension funds was typical. It was just a searching for the openings, searching for a different way, any way to do it. A very innovative, imaginative, risk taking person, with just enormous talent and capacities

HICKE Well, unless there's something else you particularly want to mention, I think that's a good note to stop on

MARGOLIS Yes, I don't have anything that I know of that we haven't covered

HICKE OK, thank you very much

MARGOLIS Not that I won't think of things in the future

[End Tape 21, Side B]